

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 281 OF 2021

Sagar Narayan Zende	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. R. R. Karpe, Advocate for the applicant
Mr. Y. G. Gujrathi, APP for the respondent - State

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CORAM : R. G. AVACHAT, J.

**RESERVED ON : 27th MAY, 2021
PRONOUNCED ON : 03rd JUNE, 2021**

ORDER :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0521/2020, registered with Belwandi Police Station, District Ahmednagar, for the offences punishable under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act.

2. Heard. Perused the First Information Report (FIR) and the papers of the investigation.

The FIR has been lodged by the father of the victim Nana. The informant is not an eye witness to the incident. The allegations in the FIR, are therefore, not adverted to. From the statement of victim Nana, it is revealed that on 24.10.2020 was the day of '*Dasera*' festival. The applicant called Nana on his cell phone and inquired as to why did he not come to take blessings of their grand-mother. He also told that the grand-mother was waiting for him. The victim, therefore, went to the house of the applicant. The applicant and the victim are cousins. When the informant was climbing the steps, the applicant gave Nana number of sword blows. As a result, Nana suffered multiple injuries to his head, face and all other body. The applicant was accompanied by Sanket and one unknown person (co-accused). They too beat up Nana. Nana was rushed to Wighnaharta Hospital, Ahmednagar and then, Kamal Nursing Home, Pune.

3. Shri R. R. Karpe, learned Advocate for the applicant would submit that for over seven months, the applicant has been behind the bars. He is 22 years of age. On completion of the investigation, charge-sheet has been filed. The victim has been

discharged from hospital. Since the victim was admitted to a private hospital, the certificate describing him to have suffered multiple injuries, came to be secured. The hospital at Pune, issued a certificate indicating the victim to have suffered four injuries. According to the learned Advocate, it would take time for commencement and completion of trial. The applicant is ready to abide by any of the conditions. He, therefore, urged for grant of application.

4. The learned APP would, on the other hand, urged for rejection of the application on the ground of seriousness of the offence.

5. True, the applicant is 22 years of age. He has been behind the bars for little over seven months. The charge-sheet has been filed. Trial is not likely to be commenced in the near future. The injury certificate issued by Kamal Hursing Home, Pune indicates the victim to have suffered four injuries. All are grievous in nature. Those are stated to be possible by sharp weapon. In the remarks column, it has been stated that 'fracture femur', brain hemarage multiple segmental tendon, grievous head injury.

6. Considering the nature of injuries suffered by the victim, I am of the opinion that, time is not ripe for grant of bail to the applicant. I am, therefore, not inclined to grant him bail.

7. The bail application is therefore, rejected.

8. The applicant would be at liberty to move again, after a period of four months. Then his case would again be considered.

[R. G. AVACHAT, J.]

SMS