

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.315 OF 2021

AKASH S/O NILESH KARDILE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. N. P. Ghanwat, Advocate for the applicant.
Mr. A. M. Phule, APP for the respondent .

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 6th April, 2021

ORDER :-

. Present applicant is accused No.10 in the First Information Report lodged by one Jaywant Manjaba Narwade in connection with Crime No.50 of 2021 registered with Parner Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code and under Sections 3/25, 4/25 of the Indian Arms Act and under Sections 37(1) 37(3), 135 of Maharashtra Police Act. He came to be arrested on 19.01.2021 and since 25.01.2021, he is in magisterial custody. He has filed present application for bail under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. N. P. Ghanwat for the applicant and learned APP Mr. A. M. Phule for the respondent. In order to cut short, it

can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR lodged by said Jawant would show that he was admitted in Vedant Hospital, Shirur in ICU when he lodged the report. It is stated that Grampanchayat Elections took place in his village on 15.01.2021. He was contesting the said elections against one Anil Dashrath Kardile, who is now accused No.1. It is stated that accused Nos.2, 3, 7 and 8 had asked him not to contest the elections. Jaywant's son Kisan was, in fact, Deputy Sarpanch of village Kurund, but the informant had not paid attention to the threat. After the elections, the voting was done on 18.01.2021 and Anil Kardile was declared as elected and Jaywant lost the election. He was at home around 3.00 p.m. on 19.01.2021 and thereafter, in order to give pesticides to the onion crop, he took two gunny bags of pesticides and started preparation for sprinkling it. Around 3.30 p.m., he found one white color car and two motorcycles came from Kurund village. Accused Anil Kardile, Sagar Kardile, Pankaj Kardile, Rajendra Shelke, Suhas Thorat had come by car, whereas Amol Kardile, Vivek Kardile, Avinash Kardile, present applicant and one Rajendra Sahebrao Kardile come on motorcycle. He states that accused Amol and Vivek were holding sword, whereas the others including the applicant were holding sticks. Anil abused him and asked

as to how he could contest the election against him. When informant said that he should not abuse him, still all the persons started abusing him. Anil then instigated others to assault informant. Amol and Vivek assaulted him by sword on the left hand, head and right hand of the informant respectively and it is stated that others had assaulted by him sticks. When informant's daughter-in-law and Kisan's two sons were coming towards informant, accused Avinash took out pistol and pointed it to the daughter-in-law of the informant. As the informant was feeling giddiness, accused Anil told that as he would die, they should go. Thereafter, Sagar Kardile had pressed his leg on the neck of the informant and all of them went. The informant then admitted to the hospital by his brothers.

4. After taking note of the entire contents of the FIR, it can be seen that the role attributed to the present applicant is that of assault by stick. Informant has not stated as to on which part of the body he received blow which was given by the present applicant. Under such circumstance, when sufficient opportunity was given to the Investigating Officer by giving the police custody of the present applicant to investigate and it can be presumed, when the magistrate has not extended the police custody period, that any recovery at all is there, it has been completed. It would take long time for the presentation of the

charge-sheet and then for trial. When the applicant has his roots in the society, so also immovable property and no criminal antecedents are reported, he can be released on bail by imposing conditions. Hence, the following order :-

ORDER

- I) Application stands allowed.
- II) Applicant – Akash s/o Nilesh Kardile, who has been arrested in connection with Crime No.50 of 2021 registered with Parner Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code and under Sections 3/25, 4/25 of the Indian Arms Act and under Sections 37(1), 37(3), 135 of Maharashtra Police Act, be released on P. R. Bond of Rs.50,000/- with two solvent sureties of Rs.25,000/- each.
- III) He shall not tamper with the evidence of the prosecution in any manner.
- IV) He should remain present before the Investigating Officer on every Wednesday and Friday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet.
- V) He should not indulge in any criminal activity.
- VI) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]

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