

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

932 BAIL APPLICATION NO.364 OF 2021

TRIMBAK KASHINATH AAGRE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : ^{...}Shri Sudarshan J.Salunke
APP for Respondent : Smt.V.S.Choudhari

^{...}
CORAM : M.G.SEWLIKAR, J.

DATE: 10th June, 2021

PER COURT:-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. The allegations against the applicant in the First Information Report (FIR) lodged on 23-10-2020 are that the applicant had engaged the informant as a Driver. The informant had been working with the applicant for the last two years since before the incident. The applicant had not paid salary of two and half months to the informant. The informant was insisting on the payment of the said salary. On 21-10-2020 at 11:00 a.m., the applicant called the informant to the field. Co-accused was present in the field alongwith the applicant. All of them had lunch. The informant was taking rest under the tree. While the

informant was asleep, he felt that somebody had assaulted on his head. On opening his eyes, he noticed that the applicant and co-accused were standing near him. The applicant assaulted the informant by means of a sharp weapon on the head of the informant. The informant lost consciousness. When the informant regained consciousness, he found himself in the hospital. His statement came to recorded on 23-10-2020, on the basis of which Crime No.266 of 2020 under Sections 307 read with Section 34 of the Indian Penal Code came to be registered at Kallam Police Station, Dist.Osmanabad.

3. Heard Shri S.J.Salunke, learned counsel for the applicant and Smt.V.S.Choudhari, learned APP for the respondent State.

4. Shri Salunke, learned counsel for the applicant submitted that investigation is over. Charge-sheet has been filed. The informant has been discharged from the hospital and therefore, there is no question of conversion of the offence into a serious offence. He, therefore, prayed for releasing the applicant on bail.

5. Smt.Choudhari, learned APP for the respondent State submitted that there is ample evidence of involvement of the applicant in the aforesaid offence. She submitted that the

informant had sustained grievous injury. He was hospitalized for more than 15 days. Statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure show the presence of the applicant and co-accused at the scene of the offence. She submitted that witness Sujata Mahesh Swami in her statement under Section 164 of the Code of Criminal Procedure stated that she had seen the applicant assaulting the informant. She submitted that the informant had sustained four injuries on head by sharp weapon. In such circumstances, the applicant should not be released on bail.

6. It is not in dispute that the informant came to be discharged from hospital on 31st October 2020. Entire investigation is complete. Charge-sheet has been filed. The applicant will be available for trial. Column No.12 of the Arrest Form shows that the applicant is not likely to commit similar crime or threaten victim or witnesses. He is not wanted in other case. He is not likely to abscond. The applicant has no criminal antecedents. In this view of the matter, I am inclined to release the applicant on bail. Hence, the following order is passed:

ORDER

- i) Application is allowed.

ii) Applicant Trimbak S/o. Kashinath Aagre be released on bail in connection with Crime No.0266/2020 registered with Kallam Police Station, Dist.Osmanabad, for the offences punishable under Section 307 read with Section 34 of the Indian Penal Code, on furnishing PR Bond of Rs.75,000/- (Rs.Seventy Five Thousand only) with one solvent surety in the like amount and on condition that he shall not contact the witnesses.

iii) Application is disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT