

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 504 OF 2021

Shri Hiralal S/o Gaundhal Dhivare

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A.B. Girase, Advocate for the applicant.

Mr. S.D. Ghayal, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 23rd August, 2021.

PER COURT :

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

2. Prosecution story in brief is that on 30th August, 2020, at about 8.30 pm in front of Primary Health Centre (PHC), Deogaon, Tq. Chopda in a public place, applicant demanded money from the informant for drinking liquor and, on refusal by the informant, applicant got annoyed and abused the informant in filthy language, assaulted him with fists and kick blows. Applicant assaulted the

informant on his back by means of a *Darat* (kind of weapon). When Shashikant, brother of the informant, tried to separate the quarrel, applicant assaulted the said Shashikant on his abdomen by means of a *Darat* as a result of which, his intestine had come out. On these allegations, First Information Report came to be lodged against the applicant under Sections 307, 323, 504, 506, 510 of the Indian Penal Code vide C.R. No. 39/2020 registered with Adawad Police Station, Tq. Chopda, Dist. Jalgaon.

3. Charge-sheet has been filed. Shri Girase, learned counsel for the applicant submitted that the injured has been discharged from the hospital. He submitted that investigation is complete and charge-sheet is filed. The applicant has no criminal antecedents. Therefore, this is a fit case to release the applicant on bail.

4. Learned APP submitted that the applicant, under the influence of liquor, assaulted the informant and Shashikant by means of a *Darat*. He submitted that the blow was so forceful that the intestine of Shashikant had come out. Therefore, applicant does not deserve to be released on bail.

5. On perusal of the charge-sheet, it is seen that charge-sheet was filed on 23rd October, 2020. Weapon has been recovered from the applicant. Injured Shashikant has been discharged from the hospital. It is true that Intestine of the injured had come out because of the forceful blow. However, after discharge from the hospital, no complications because of this injury have been reported to the police station by the injured. Therefore, there is no possibility of conversion of offence into a more serious one. Nothing is brought on record to show that accused will not be available for trial. Applicant is in jail since 31st August, 2020, i.e. for almost a year. In view of this, considering the pandemic situation created due to Covid-19 and that trial is not likely to commence in near future, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like amount, in connection with Crime No. 39/2020 registered with Adawad Police Station, Tq. Chopada, Dist. Jalgaon, for

offence punishable under Sections 307, 323, 504, 506, 510 of the Indian Penal Code, on condition that he shall not enter the village till conclusion of the trial.

iii) Application stands disposed of.

(M. G. SEWLIKAR)
Judge

dyb