

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

**945 BAIL APPLICATION NO.560 OF 2021
WITH APPLN/1181/2021 IN BA/560/2021**

**UMESH VILAS MUNDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents/State : Mr. S.P. Deshmukh
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 01.07.2021**

PC.:-

This is an application under Section 439 of the Cr.PC.

2. The applicant is the son of the deceased-Maluram Munde. On 15.12.2020 at 8.00 and 8.30 pm applicant along with his father-Vilas Munde and other six persons assaulted the deceased-Maluram Munde and the applicant alleging as to why the informant had lodged a false report of kidnapping against the applicant. When the deceased-Maluram was trying to pacify the applicant and the other accused-Vilas, father of the applicant assaulted the deceased by means of a rod. When the informant went to the rescue of the deceased, applicant assaulted the deceased by means of sword on his head. Accused-Deepak Munde beat the deceased on his back and chest

by means of stick. The deceased was shifted to the hospital at Latur and was later on admitted in the hospital at Solapur. He died during the treatment. Accordingly, offence under Section 302, 307, 325, 323, 143, 147, 148, 149, 504, 506 of the I.P.C. and under Section 4 and 25 of the Arms Act came to be registered against the applicant vide Crime No. 328 of 2020 registered with Dharur Police Station, District Beed.

3. Heard Shri Salunke learned counsel for the applicant and Shri S.P. Deshmukh learned APP for the State and Shri G.N. Kulkarni h/f. Shri A.M. Karad, for assist to APP.

4. Shri Salunke submitted that sword is not recovered from the applicant. Injury certificate does not show any incised wound on any part of the body of the informant. He submitted that he has been falsely implicated. The informant has been discharged from the hospital. He, therefore, prayed for releasing the applicant on bail.

5. Shri Deshmukh submitted that offence is serious in nature. Applicant had assaulted the informant by means of a sword. Sword has been seized not at the instance of the applicant but at the instance of his father. He submitted that there are statements of eye witnesses indicating that the informant was assaulted by the applicant by means of a sword. He submitted

that in view of such evidence applicant may not be released on bail.

6. It is not in dispute that the informant has been discharged from the hospital. Sword is not recovered from the applicant. The injury certificate is produced on record which states that the injury was simple in nature. Having regard to the nature of evidence, I am inclined to release the applicant on bail specially when the charge-sheet has been filed, In view of this following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.328 of 2020 under Section 302, 307, 325, 323, 143, 147, 148, 149, 504, 506 of the I.P.C. and under Section 4 and 25 of the Arms Act registered with Dharur Police Station, District Beed.
- III) Application for assist to PP is also disposed of.

[M.G. SEWLIKAR, J.]