

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

924 BAIL APPLICATION NO.1011 OF 2021

**LAXMAN SHIVAJI SOMASE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. N. D. Sonawane, Advocate for the applicant
Smt. P. V. Diggikar, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 13th OCTOBER, 2021**

PER COURT :-

1. Heard.
2. It is the prosecution case that on 30th March, 2021 at 3.00 p.m. applicant, accused Shivaji Somase, Janabai Somase, Laxman Somase, Krushna Somase and Aashabai Somase came in front of the house of the informant. Krushna Somase was armed with axe. Applicant slapped the husband of the informant. Krushna Somase delivered a blow of axe on her left arm and on her back and also delivered blow of axe on the head of the informant's father-in-law by the name of Bhivaji. Her mother-in-law was also assaulted by accused Krushna by means of on axe.

Accused Aashabai assaulted the husband of the informant by means of a stone. On these allegations FIR came to be lodged on 30th March, 2021 on the basis of which offence under Sections 307, 336, 120(B), 326, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code came to be registered. Mother-in-law of the applicant by the name of Shevantabai died. The offence was, therefore, converted into Section 302 of the IPC.

3. Learned APP Smt. Diggikar submits that the applicant had assaulted the informant and her husband by means of axe. There are specific allegations against him. Injury certificates show that injuries were sustained by the witnesses on head by sharp weapon. On a query made by this Court Smt. Diggikar, learned APP submits that injured has been discharged from the hospital.

4. Injury certificates are produced on record. Injury certificate of Bhivaji Somase shows that the patient was referred to the GMC, Aurangabad. That report is not

produced on record. Medical certificate does not specify whether the injuries were simple or grievous. Applicant is not the person who assaulted the deceased. Allegations against him are that he assaulted the informant and her husband. Charge-sheet is filed. Therefore, no further detention of the applicant seems to be necessary. Moreover applicant has no criminal antecedents. He will be available for trial. In this view of the matter, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount in connection with CR No. 138 of 2021 under Sections 302, 307, 336, 120(B), 326, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code registered with Vaijapur Police Station, Dist. Aurangabad.
3. Application is disposed of.
4. It is clarified that the observations made in the

above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M. G. SEWLIKAR, J.]

ssp