

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

**922 BAIL APPLICATION NO.1281 OF 2021
WITH APPLN/2722/2021**

**HEMKANT RAVINDRA PATIL
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Sawant Amol S.
APP for Respondents/State : Mr. G.O. Wattamwar
Assist to PP: Mr. Chaitanya Deshpande
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 29th November, 2021**

PC.:-

This is application under Section 439 of the Cr.P.C. for releasing the applicant on bail.

2. It is the case of the prosecution that on 17.08.2021 at 09.30 am brother of the informant by the name of Yogendra came back after answering nature's call. He was in a frightened condition. He told the informant that he was threatened by the applicant. Therefore, the informant, his son Nilesh and Yogendra went to the field of the applicant and questioned the applicant about the incident in the morning. Applicant got annoyed and delivered a blow of axe on the head of Yogendra and also on his hand. Injured Yogendra was taken to Civil Hospital, Dhule and from there he was shifted to Siddeshwar

Hospital, Dhule. FIR came to be lodged on 18.08.2021, on the basis of which offence under Section 326, 504, 506 of the I.P.C. came to be registered. Upon receipt of medical certificate offence was converted into Section 307 of the I.P.C.

3. Heard Shri Sawant learned counsel for the applicant and Shri Wattamwar learned APP for the State.

4. Learned counsel Shri Sawant submits that there was a free fight between the applicant and the informant. Applicant has also lodged FIR against the informant and his family members.

5. The informant has been discharged from the hospital. Prosecution has not placed anything on record to show that informant has developed post treatment complications, therefore, there is no possibility of conversion of offence into a more serious one. Learned APP Shri Wattamwar submits that informant has to undergo another surgery on his right hand as a rod is to be inserted. He submits that by removing existing rod another rod is to be inserted.

6. Investigation seems to be complete in all respects. No record is produced to show that informant has to undergo another surgery. Applicants in counter case are released on bail. Applicant has no criminal antecedents.

There is no likelihood of commencement of trial due to ongoing pandemic owing to Covid-19. Having regard to this, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.126 of 2021 under Section 307, 326, 504, 506 read with Section 34 of the I.P.C. registered with Sindkheda Police Station, Taluka Sindkheda, District Dhule on condition that he shall not interfere in the investigation and shall not pressurise the witnesses and shall attend the concerned police station as and when called by the Investigating Officer till the filing of the charge-sheet.
- III) Criminal Application No.2722/2021 for assist to PP is also disposed of.
- IV) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]