

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.06 OF 2021

Ramchandra s/o Rangnath Khandgaure,
Age 59 years, Occupation Agriculture,
R/o Maygaondevi Tq. Kopargaon
District Ahmednagar.

....Applicant

VERSUS

The State of Maharashtra,
Through Kopargaon Rural Police Station
Tq. Kopargaon District Ahmednagar.

....Respondent

.....
Advocate for Applicant : Mr. S. S. Gangakhedkar holding
for Mr. S. D. Munde.

APP for Respondent-State : Mr. S. B. Narwade.

.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
04-02-2021.**

**Date of Pronouncing The Order :
02-03-2021.**

ORDER :

1. Present applicant has been arrested in connection with Crime No.549 of 2020, dated 06-12-2020, registered with Kopargaon Rural Police Station Dist. Ahmednagar, for the offences punishable under Section 307, 326, 324, 323, 504, 506 read with 34 of the Indian Penal code. He has prayed for bail under Section 439 of Code of Criminal

Procedure.

2. Heard learned Advocate Mr. S. S. Gangakhedkar holding for Mr. S. D. Munde for applicant and learned Additional Public Prosecutor Mr. S. B. Narwade for respondent-State. In order to cut short it is stated that, both of them have made submissions in support of their respective contentions.

3. Perusal of the First Information Report would show that it has been lodged by one Ganesh Shashikant Kasar on 06-12-2020 in respect of the incident that had taken place on the same day around 11.00 a.m. He has stated that when he had gone to field, he found that his cousin brother was shouting loudly, and therefore, he went in the field of his cousin brother Lalit to make inquiry. Lalit told him that when one Umesh Machindra Gadhe was ploughing the land belonging to Ramchandra Rangnath Khandgaware (Kasar) i.e. present applicant, at that time Lalit asked that he should not plough the common bandh. But then by his said statement the present applicant and co-accused Rakesh and Ankush who are the sons of present applicant became angry, and at that time Rakesh was holding scythe and Ankush was holding axe, present applicant was holding stick, all of them made Lalit to lie down by giving him kicks

and fists blows. Thereafter, Rakesh had given blow of the scythe on the head of the Lalit causing him bleeding injury. The blow given by Ankush with axe caused hurt to the left thumb and at that time when the informant had gone to save Lalit, he was assaulted by Rakesh with scythe on his back and the present applicant by stick on his back. The people gathered and separated them and then took the informant to hospital.

4. As aforesaid perusal of the First Information Report would show that the role attributed to the present applicant is assault by stick on the back of informant. Statement of Lalit and other eye-witnesses are also on the same line. Though there appears to be some seizure at the behest of the Rakesh, yet the important fact to be noted is that the Medico Legal Certificate of the informant shows that he had sustained only CLW left back with blunt trauma right upper back region and the injury is stated to be simple. It is not the case of the informant as well as Lalit that Lalit was assaulted by the present applicant on his head. Therefore, taking into consideration the specific averment in the First Information Report and the statements of witnesses, at the most offence that can be said to be made out against the present applicant is under Section 324, 323 of

Indian Penal Code. The accused who had allegedly caused grievous injury to Lalit are not before this Court in this application, and therefore, the present application deserves to be allowed, accordingly it is allowed. Hence, following order.

ORDER

- 1) Applicant Ramchandra s/o Rangnath Khandgaure, arrested in connection with Crime No.549 of 2020, dated 06-12-2020, registered with Kopargaon Rural Police Station, for the offences punishable under Section 307, 326, 324, 323, 504, 506 read with 34 of the Indian Penal Code, be released on P.R. of Rs.30,000/- (Thirty thousand) with one or two solvent sureties of like amount.
- 2) The applicant shall not tamper with the evidence of the prosecution in any manner.
- 3) He shall not indulge in any criminal activity.
- 4) Before submission of bail papers, the applicant should give complete address of his residence with his mobile number. So also he should comply with the requirements under paragraphs No.12 (1) to (6) of Chapter I of Criminal Manual, whichever are applicable.
- 5) Bail before Trial Court.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-