

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

BAIL APPLICATION NO.1475 OF 2021

Subhash S/o Vitthal Markad

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.Narayan B. Narwade Advocate for Applicant.
Mrs.V.N. Patil-Jadhav, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 23rd DECEMBER, 2021

ORDER :

1. Present application has been filed under Section 439 of the Code of Criminal Procedure by the original accused No. 1, who has been arrested in connection with Crime No. 0784 of 2021 registered with Pathardi Police Station, Pathardi, District-Ahmednagar, for the offences punishable under Section 326, 307, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. Heard learned Advocate for the applicant and learned APP for the respondent-State.

3. Perusal of the First Information Report lodged by one Shivaji Govind Markad would show that it is in respect of incident that had taken place around 8.30 a.m. of 19th October 2021. There was incident earlier day also involving the present applicant wherein the daughter and son-in-law of the informant had seen present applicant and one Tukaram Markad taking away Pomegranate from the field allegedly cultivated by the son-in-law of the informant.

4. As regards of the day of the incident is concerned, the informant states that the present applicant had assaulted his son-in-law Devidas on his head by means of an axe. The police papers made available show that Devidas had received two injuries. One is head injury with CLW and probable weapon has been stated as axe. Stitches were applied. Second injury is blunt trauma to the neck, left shoulder, left forearm and right knee. Probable weapon that has been used is hard and blunt object. However, it is to be noted that nature of both the injuries that has been stated to be simple in nature. Further it appears that

from the present applicant the axe, iron rod and wooden stick has been recovered. Statements of some witnesses are also recorded. Under such circumstance, the applicant deserves to be released on bail with stringent conditions.

5. The learned Advocate appearing for the applicant has also contended that there was cross complaint lodged by the present applicant on 28th October 2021 in respect of the same incident. However, perusal of the said First Information Report would show that it is in respect of the alleged incident that had been taken place around 9.00 to 9.30 a.m. that too alleged to have occurred in the agricultural land of the present applicant. Whether it can be said to be a cross complaint is a question and further it appears to be a belated lodging of the First Information Report.

6. Hence following order is passed:-

ORDER

- i) The Application stands allowed.
- ii) The applicant – Subhash S/o Vitthal Markad be released on bail in connection with Crime No. 0784 of 2021 registered with Pathardi Police Station,

Pathardi, District-Ahmednagar, for the offences punishable under Section 326, 307, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code on PR Bond of Rs.30,000/- (Rupees Thirty Thousnd) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.

iii) The applicant shall give his Mobile Number to the Investigating Officer as well as to the Trial Court and shall comply with the requirements set out in Para No. 12 (1) to (6) of Chapter-I of Criminal Manual, whichever are applicable.

iv) The applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence in any manner.

v) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI , J.]