

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.349 OF 2021

Dattatraya (Raju) Ravindra Hande Applicant
Versus
The State of Maharashtra Respondent

Mr. V.V. Purwant, Advocate i/b. Rushikesh Kale, Jay Patil, for
the Applicant.

Smt. J.S. Lohokare, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.709/2020 registered at Jodbhavi police station, Solapur under Sections 307, 506(2) read with 34 of the Indian Penal Code and under Sections 4 & 25 of the Indian Arms Act.

2. The Applicant is arrested on 13.7.2020 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

3. Heard Shri V.V. Purwant, learned Counsel for the Applicant and Smt. J.S. Lohokare, learned APP for the State.

4. The FIR is lodged by one Yuvraj Yalshetty. He has stated that the Applicant was his neighbour. He has his cattle shed near his house. There are at least 20-22 animals in the cattle shed. They were causing nuisance to the residents. The local residents had requested the Applicant to remove that cattle shed on many occasions, but, he was refusing to do so. On 12.7.2020, the informant had again told him to remove his cattle shed. But because of that, the Applicant had got angry. On the next day i.e. on 13.7.2020, at about 9:30 p.m., the Applicant approached the informant on a motorcycle. He was carrying a sword and he tried to give a blow on the informant. The informant avoided that blow, but, it landed on his left arm. The informant then held his sword because of which he suffered injuries. Because of this a mob gathered there and he left the place. On this basis, the FIR is lodged.

5. Learned Counsel for the Applicant submitted that the incident is minor and the informant has suffered

absolutely minor injuries. Section 307 of IPC is not attracted in this case. He submitted that the statement of one Akshay Korade shows that the informant himself had threatened the present Applicant on the earlier day.

6. Learned A.P.P. opposed this application on the ground that the Applicant had tried to give blow on the informant. That shows his intention and is a clear case of attempt to commit murder.

7. I have considered all these submissions and with the assistance of learned Counsel for the parties, I have perused the charge-sheet. The charge-sheet shows that there is a medical certificate. The injured first informant had suffered two injuries. The first one was on the right palm having dimension 2 cm x 1 cm x 0.5 cm and other was on the left arm having dimension 4 cm x 3 cm x 1 cm. Both the injuries were described as simple injuries. There does not appear to be any serious injury.

8. The statements of other eye witnesses, namely Siddharam Yelshetty, Shivaji Rathod and Balaji Jaji have

sufficiently corroborated the first informant's case. Thus, at this stage, the occurrence of the incident cannot be doubted. The Applicant has assaulted the first informant. But looking at the nature of injuries it is doubtful as to whether Section 307 of IPC is made out in this particular case. The applicant was carrying a sword and he could have inflicted more injuries on the vital parts of the informant. The Applicant is in custody since 13.7.2020. His further custody during entire period of trial is not necessary. He deserves to be released on bail. Hence, the following order :

ORDER

- (i) In connection with C.R.No.709/2020 registered with Jodbhavi police station, Solapur, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)