

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

**CRIMINAL BAIL APPLICATION NO. 670 OF 2021**

1. Anil Bhimrao Sapate  
2. Aaudumbar Bhimrao Sapate .... Applicants

Versus

The State of Maharashtra .... Respondent

Mr. Sachin K. Hande for Applicants.  
Smt. A. A. Takalkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 31<sup>st</sup> MARCH, 2021**

**P.C. :**

1. The Applicants are seeking their release on bail in connection with C.R.No. 133 of 2020 registered at Kamti police station, Solapur, on 05/08/2020, under sections 307 and 324 r/w. 34 of the Indian Penal Code (for short 'IPC'). The applicant No.1 was arrested on 14/08/2020 and applicant No.2 was arrested on 13/08/2020. Since then both of them are in custody.

2. Heard Shri. Sachin Hande, learned counsel for the applicants and Smt. Takalkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by the injured Pruthviraj Bhosale. He has stated that, on 04/08/2020, when he was going towards his agricultural field, at about 10:15p.m., the present applicants who are brothers, their another brother Kakasaheb and their father Bhimrao came near him. The applicant Anil was having sword, applicant Audumbar was having knife, Kakasaheb was having an iron rod and Bhimrao was having a wooden stick. Applicant Anil questioned the informant about their previous quarrel and thereafter started assaulting the informant. Applicant No.1 Anil assaulted the informant on his head and left leg with sword. The informant's father came running near him to save him. At that time, applicant No.2 Audumbar gave blows with knife on both legs of informant's father. Accused Kakasaheb assaulted the informant with iron rod on his head, shoulder and leg. After that accused left the place. The informant and his father went to the police station and then to the hospital. Afterwards, the F.I.R. was lodged.

4. Learned counsel for the applicants submitted that the investigation is over and the charge-sheet is already filed.

Applicants are arrested in August, 2020. Their further custody in this offence is not necessary. He submitted that the injuries were simple. There is only one grievous injury on the leg of the informant, but that was not life threatening. He, therefore, submitted that the applicants be released on bail.

5. Learned APP opposed this application based on the allegations and medical papers.

6. I have considered these submissions. With the assistance of both learned counsel I have perused the charge-sheet. Besides, the first informant, his father Tatyaso has also narrated the incident in the same fashion. When he tried to intervene, the applicant No.2 gave blows with knife on his legs. By that time, informant was also assaulted. After this witness fell down, the accused Kakasaheb gave blows on head, shoulder and left leg of the informant. Thus, their stories are consistent. Injured Tatyaso had suffered two CLWs on both of his legs. They were described as simple injuries. The possible weapon was mentioned as hard and blunt object. The informant had suffered three injuries. Two of the injuries were on his head, but they were described as simple

injuries. Only grievous injury was on his left knee. There was fracture of upper shaft fibula.

7. Thus, it can be seen that, except one, all the injuries to both these victims were simple injuries. Only grievous injury was fracture of left leg. In this view of the matter, it appears that, neither of the victims had suffered any life threatening injuries. Accused had ample opportunity to cause more damage. They had weapons and opportunity. Considering the fact that no grievous injury was caused on any vital organ, there is scope to believe that the offence may not be fall under section 307 of IPC. However, this will have to be ultimately tested during trial. For consideration of bail, nature of injuries can be taken into consideration. Based on the above discussion, the applicants have made out a case for their release on bail.

8. Hence, the following order :

**ORDER**

- (i) In connection with C.R.No. 133 of 2020 registered at Kamti police station, Solapur, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of

Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- (ii) Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**