

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

CRIMINAL BAIL APPLICATION NO.680 OF 2020

Mr. Milind Anna Kharat	...Applicant
V/S.	
The State of Maharashtra	...Respondent

Mr. Ritesh Thobde, Advocate for Applicant.
Mr. Ajay Patil, APP for State – Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATED : 15th FEBRUARY, 2021.**

P.C.

1. The Applicant is seeking his release on Bail in connection with C.R. No.232 of 2019 dated 13th October 2019, registered at Salgar Vasti Police Station, Solapur, under Section 307 read with 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. The Applicant was arrested on 13th October 2019 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

3. Heard Mr. Ritesh Thobde, learned Counsel for the Applicants and Mr. Ajay Patil, learned APP for the State.

4. The prosecution's case is that on 12th October 2019 at about 08.00 p.m. The Applicant along with the main Accused Suraj assaulted one Ramzan Gafoor Shaikh with sickle and caused serious injuries. On this basis, the wife of the injured lodged the F.I.R.

5. Mr. Thobde, learned Counsel for the Applicant submitted that there are indications that the injured was assaulted by his own brother Chand Gafoor Shaikh and his wife Saira Shaikh. He relied on some Order dated 12th October 2019, whereby the Police Station Officer has directed the Police Head Constable Mali to take over the investigation. In that order, there is an indication that Chand Gafar and his wife had assaulted the injured. He submitted that a statement of Sahil Shaikh, who was son of the injured was recorded under 164 of Cr.PC. He has named one more person Nitin Lokare.

6. The learned APP opposed this Application. He submitted that the F.I.R. itself explains as to how the other brother of the Razzak Shaikh of the injured had wrongly given name of Chand Gafoor Shaikh and his wife Saira Shaikh as the assailants. It is submitted that the injured has suffered serious injuries, which were life threatening injuries. He further submitted that the Applicant was granted temporary bail on the ground of spread of Covid-19 (CORONA Virus) and he has not yet surrendered. He, therefore, opposed grant of any relief in this Application.

7. I have considered these submissions and, in particular, I have perused the statement of injured Ramzan Shaikh. He has stated that on that day at that particular spot, the main accused Suraj Pawar initially gave a blow with sickle on his shoulder, right leg and back. The present Applicant was there with Suraj. He also gave a blow with sickle. The wife of the injured raised shouts. The motive was a quarrel which had taken place in the past between the Accused and the injured.

The injury certificate shows that there were seven injuries out of them four injuries were described as 'dangerous to life' and two were described as grievous. The injuries which were dangerous to life were on the neck, on the lower back and on the face. The grievous injuries were on the shoulder.

8. The dimensions of those injuries is also quite big. Therefore, there was a clear attempt to commit murder of the injured. Because of timely treatment he could be saved. The investigation papers show that at the initial stage, the names of the brother of the injured and that brother's wife were wrongly taken. Razzak, who had given name of Chand explained that he had taken name of Chand under some mis-conception because Chand was chasing the assailants i.e. Suraj Pawar and the present Applicant. Statements of Chand Gafoor Shaikh shows that, he had seen Suraj Pawar and the present Applicant assaulting the injured. Besides these witnesses, the statement of son of the injured is important. He has also stated that the Applicant had also taken part in assaulting the injured.

9. Considering the nature of injuries, the offence under Section 307 of IPC is clearly made out. The role attributed to the present Applicant is also stated by the injured himself. In this view of the matter, no relief can be granted in this Application. The Applicant is rejected. It is clarified that since the Bail Application is rejected on merits, the Applicant will have to surrender before the Jail Authority. If he does not so surrender, the Police are free to take appropriate steps to arrest him.

(SARANG V. KOTWAL, J.)