

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3504 OF 2021

1) DINESH BAPU CHAVAN)
2) BAPU MAHADEV CHAVAN)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.P.G.Sarda, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

DATE : 23rd NOVEMBER 2021

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.428 of 2021 registered with Police Station Vairag, Solapur, for offences punishable under Section 323, 307, 326, 504, 34 of the Indian Penal Code (IPC) and under Section 25 of the Arms Act.

2 It is the case of prosecution that on 29th August 2021, the informant along with his friend, namely, Sonu @ Hritik Santosh Pawar was travelling on a motorcycle towards his house. They met accused Bapu Chavan (applicant no.2), Pandurang Chavan and Dinesh Bapu Chavan (applicant no.1). Applicant no.1 then asked informant as to why he is on talking terms with his enemy, namely, Nandkumar Sawant and started abusing. At the relevant time, applicant no.2 and accused Pandurang Chavan were armed with sword while applicant no.1 with stick. They also told the informant that he gives troubles to their son and therefore, they would not spare him. The prosecution alleges that applicant no.2 raised the sword to assault the informant but the informant shielded the blow on his left hand, as a result of which he sustained जबर्बास् on the thumb of left hand leading to bleeding injury. Accused Pandurang Chavan also gave a fist blow on the head of the informant while applicant no.1 assaulted on the legs of the informant by means of stick. The informant later on lodged the report.

3 Mr.Sarda, learned counsel for the applicant, during the course of argument submitted photocopy of the Medical Certificate pertaining to the informant and submitted that only one injury, namely, incised wound was sustained by the informant on left wrist. The nature of injury was simple. This Medical Certificate is not disputed by the learned APP.

4 I have also gone through the First Information Report (FIR) and the Medical Certificate. The Medical Certificate clearly shows only one injury whereas in the FIR it is alleged that the informant was assaulted by all the three accused by means of sword, stick and fist blows. The nature of injury is simple.

5 Having regard to the material on record, the applicants have made out a case for bail. Hence, I pass the following order :

ORDER

(i) The application is allowed.

(ii) Applicant no.1 Dinesh Bapu Chavan and Applicant No.2 Bapu Mahadev Chavan shall be released on bail in Crime No.428 of 2021 registered with Police Station Vairag, Solapur, on their executing PR.Bond in the sum of Rs.15,000/- each and on furnishing one or two sureties in like amount, by each of them.

(iii) Bail before the trial Court.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The application stands disposed off accordingly.

(V. G. BISHT, J.)