

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.177 OF 2021**

Naresh Dhau Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

**ALONG WITH
INTERIM APPLICATION NO.1914 OF 2021**

Kiran Shantaram Vakhande .. Intervenor

In the matter of:

Naresh Dhau Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

**ALONG WITH
BAIL APPLICATION NO.1404 OF 2021**

Avinash Ashok Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

ALONG WITH
BAIL APPLICATION NO.1884 OF 2021

Yogesh Vishnu Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

ALONG WITH
INTERIM APPLICATION NO.1895 OF 2021

Kiran Shantaram Vakhande .. Intervenor

In the matter of:

Yogesh Vishnu Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

ALONG WITH
BAIL APPLICATION NO.1836 OF 2021

Jagdish Ramdas Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

ALONG WITH
INTERIM APPLICATION NO.2002 OF 2021

Kiran Shantaram Vakhande .. Intervenor

In the matter of:

Jagdish Ramdas Bhoir .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. R.D. Suryawanshi i/b Mr. P.R. Pandey for the Applicant in Bail Application No.177 of 2021.

Mr. R.D. Suryawanshi for the Applicants in Bail Application Nos.1404 of 2021 and 1836 of 2021.

Mr. Amin Solkar for the Applicant in Bail Application No.1884 of 2021.

Mr. A.I. Nizami i/b Mr. Mohammed U. Kazi for Intervenor in Interim Application Nos.1914 of 2021, 1895 of 2021 and 2002 of 2021.

Ms. J.S. Lohokare, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 15TH SEPTEMBER, 2021.

P.C:-

1. The aforesaid four Applications are filed by the accused,

AJN

who are charge-sheeted in C.R. No.I-53 of 2020, registered with the Kasara Police Station invoking Sections 307, 326, 323, 143, 147, 148, 149, 336, 337, 323, 352, 452, 427, 504, 506 and 188 of the IPC along with Sections 4/27 of the Arms Act and the relevant sections of the Disaster Management Act.

2. The present Applicants are charge-sheeted as Accused Nos.2, 6, 7 and 8 and are arrested on 07/05/2020. The charge-sheet, when carefully perused compile the material collected during the course of investigation and specify the role attributed to each of the Applicant through distinct witnesses, whose statements are compiled in the charge-sheet.

3. The case of the prosecution is that the informant Kiran Vakhande went for a stroll after having his dinner on 06/05/2020. At that time, the accused Sagar and Naresh, realizing that he was all alone, cornered him to revenge the previous rivalry. The Complainant narrated that the two accused persons started assaulting him by means of sword in their hands. Sagar is alleged to have assaulted in his head from the back side and on his left hand whereas, when Naresh picked up a sword to give a blow, but the informant caught hold of it, causing injuries to the fingers of his left hand. At that time, his relatives and members of his family came to his rescue, who had to face Sagar and Naresh and the other assailants. The informant took names of the assailants and, Jagdish i.e. Accused No.8 is alleged to have

assaulted his father by means of a sword. His cousin brother Gurunath is also assaulted by a sword and by means of fist and kick blows. The other assailants are also specifically named and specific roles have been attributed, is causing injuries to the informant and his brother Govind, his father Shantaram, his cousin brother Gurunath, who were immediately administered medical aid.

4. When the charge-sheet is perused, it compiles the statements of various witnesses, who are the injured and this includes the informant Kiran, Shantaram, the father of the informant, Gurunath, Sagar, Bharat and Jayashree, Buthaji, Akshay and Kusum. The witnesses attribute specific roles to all the four Applicants and as far as Applicant Naresh (Bail Application No.177 of 2021) is concerned, he is given the role of holding the sword and abusing and as per the informant, he gave blow of the sword, which landed on the two fingers of his left hand. The version of the informant is corroborated by Gurunath. Some of the witnesses have not named the said Applicant, but others have narrated that he was holding a sword. The Applicant Avinash (Bail Application No. 1404 of 2021) is given a role of assaulting with sword on the head of Shantaram, the father of the informant and assaulting him by means of fist and kick blows. Witness Sagar and Bharat speak of the Applicant Avinash holding a sword. Gurunath, Shantaram and Akshay also allege that he pelted stones when the incident took place. As far as the

Applicant Jagdish (Bail Application No.1836 of 2021) is concerned, the informant has assigned him a role of assaulting his father by means of a sword in his hand coupled with fist and kick blows on his chest. Other witnesses have not named him except Jayashree, who alleged that he was holding a wooden log. As far as the Applicant Yogesh (Bail Application No.1884 of 2021) is concerned, the informant has narrated that it is this accused, who assaulted his cousin brother Gurunath with a sword on back side of his head and thrown chilly powder and assaulted him with first and kick blows. Shantaram, the father of the informant also allege that he assaulted him with sword on the left side of his head. Witness Gurunath, Sagar and Bharat have stated that he was holding a sword.

5. The certificates of the injured are compiled in the charge-sheet and I have perused the said certificates minutely. The injuries sustained are on the vital part of the body of the injured and, as far as the informant Kiran is concerned, he has sustained injuries, which are certified in the Medico Legal Certificate and the injuries are in the nature of CLW on left parietal region, lacerated wounds on the left hand finger and right hand. It also records the presence of sutured lacerated wounds on parieto-occipital region, which is 6 cms. The injuries are described as simple and grievous. As far as Shantaram is concerned, he has sustained an incised wound on the left parietal region on head, which is alleged to have been caused by a hard and sharp object.

The injury is described as grievous one with the following description:

“15x8 cm singular interconnected and multiple CLWs on knee posterior and transverse on left frontoparietal skin.

Degloving and bone-deep underlying linear 10x1 cm. Ante-posterior linear skull fracture frontoparietal on the left side extensive subgaleal hematoma and soft tissue laceration.”

6. The injury certificate of Gurunath is also placed on record and it includes an incised wound on the occipito-parietal region of head and described as grievous injury. The injury certificate of Sonu @ Sagar also reveals a conducted lacerated wound on parietal region.

7. Perusal of the injury certificates reveals that the assailants have mounted attack on the vital part of the body of the injured persons and largely the assault is on the head, resulting into injuries on the occipital region of informant as well as his father and another injured Gurunath. In order to attract an offence under Section 307 of the IPC, it is not the severity of the injury suffered by the injured, but the intention of the accused to cause the injury, which would result into death of the injured, is a necessary ingredient. Looking to the injury certificates, all the Applicants can be attributed with the intention of causing death

of the injured and since the role of all the Applicants have clearly surfaced on record through the charge-sheet, taking into account the gravity of the accusations and the role attributed to the present Applicants, I do not deem it fit to release them on bail. All the Bail Applications, necessarily, must face a rejection and accordingly are rejected. Needless to state that the above observations are *prima facie* in nature and only restricted to the adjudication of the bail application.

8. In view of the rejection of the Bail Applications, the Interim Applications also stand disposed of.

[SMT. BHARATI DANGRE, J.]