

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

CRIMINAL BAIL APPLICATION NO. 434 OF 2021

1. Amol @ Shankar Pitambar Dethe
2. Dhanaji Pratap Kamble Applicants

Versus
The State of Maharashtra and Anr. Respondents

Mr. Anand Jondhale a/w Yashoda Jodhale i/b Satish B. Sakat for
the applicants.
Smt. J.S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd MARCH, 2021**

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No. 133 of 2019 registered at Karad City Police Station, on 08/03/2019, under sections 307, 326, 504, 506, 143, 147, 148 r/w 149 of the Indian Penal Code and under section 4 of the Indian Arms Act. The applicants were arrested on 08/03/2019 and since then they are in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Anand Jondhale, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Dattatraya Katkar. He has stated that on 31/12/2017, he had some quarrel with the applicant Dhanaji. Again there was quarrel between the informant and applicant in August 2018. At that time, the applicant Dhanaji had threatened to commit his murder. On 07/03/2019, the informant Dattatraya Katkar, his friend Vijay Nangare and Vishal Virkayade were walking on Dicholi Road at 5.00 p.m.. Suddenly both the applicants, Sachin Kamble, Mahesh Chavan, Sangram Pawar, Suraj Bagal, Bapu Ubale, came from behind with swords and axe. They started assaulting the informant and his friends. Vishal was given a blow with a sickle by the applicant Amol on Vishal's thumb. The applicant Dhanaji gave a blow with axe on Vishal's back. Others also took part in assault. After that the informant and his friends ran away from the spot. Vishal was taken to Krishna hospital and then this FIR was lodged.

4. Learned Counsel for the applicant submitted that the applicant Dhanaji had lodged FIR against Vishal and the informant way back in August 2018. Therefore as a counter blast, applicant's name is falsely implicated in this FIR. He submitted that the offence is not serious and section 307 of I.P.C. is wrongly applied. He submitted that the applicants are in custody since March 2019 and therefore they deserve to be released on bail.

5. Learned APP opposed this application. She relied on the statements of the first informant and the victim Vishal. She also relied on medical certificates to oppose this application.

6. I have considered these submissions. With the assistance of both learned Counsel, I have perused charge-sheet. Apart from the statement of the first informant, victim Vishal's statement is also important. His statement was recorded on 12/3/2019. He has described the incident. He has further stated that Amol gave a blow with sickle on his left hand. Then he was about to give another blow on his neck. At that time, Vishal put

his left hand to ward off that blow. That blow landed on his left thumb causing amputation of his thumb. After that Dhanaji gave blows with axe on his back. In the light of his statement, injury certificate can be seen.

7. The first informant has suffered five simple injuries. They were on the right arm, right knee, chest etc. No dangerous injury was caused on any vital part, as far as the informant is concerned. However, the other victim Vishal had suffered two grievous injuries. One was on the right arm of the dimension of 10 cm x 3cm x 4cm. It was a grievous injury. The other main grievous injury was on left hand. It was traumatic amputation of left thumb. The other two injuries were simple. The injuries suffered by Vishal cannot be ignored. He has lost his thumb. The injury is directly attributed to Amol and his deadly weapon sickle which was used to cause injury. Therefore, I am not inclined to grant bail to the applicant Amol @ Shankar Pitambar Dethe.

8. As far as applicant Dhanaji is concerned, he has not

caused any grievous injury. He is attributed role of giving blow on back of Vishal with axe. But there is no corresponding injury caused by axe on his back. There is one C.L.W. of the dimension of 3cm x 2 cm x 1 cm on left shoulder. It was described as simple injury. Therefore, Dhanaji himself has caused only simple injury. At this stage, it is difficult to observe that the applicant Dhanaji has shared common object with others of committing offence punishable under section 307 of I.P.C. Of course, this aspect will have to be tested during the trial. Considering the nature of role attributed to the present applicant no. 2 Dhanaji, I am inclined to grant bail to him.

9. Hence, the following order :

ORDER

- (I) Application of applicant No.1 Amol @ Shankar Pitambar Dethe is rejected.
- (i) In connection with C.R. No 133 of 2019, registered with Karad Police Station, Satara the Applicant No. 2 Dhanaji Pratap Kamble 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.

(iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)