

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

CRIMINAL BAIL APPLICATION NO. 1604 OF 2020

Sunny @ Vinod Vitthal Kolte Applicant
Versus
The State of Maharashtra Respondent

Mr. Prashant Hagare for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 681 of 2020 registered with Yavat police station, Dist. Pune, on 18/07/2020, under sections 307, 341, 143, 147, 148 and 506 r/w. 149 of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 18/07/2020 and since then he is in custody. The investigating is over and the charge-sheet is already filed.

2. Heard Shri. Prashant Hagare, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is

lodged by the injured Ishwar Khaladkar himself. He has stated that, he had some previous quarrel with the present applicant and the applicant had threatened him on an earlier occasion. Even five days prior to the incident there was some incident wherein the applicant had got angry with the informant.

4. On 09/07/2020 when the informant was travelling on his two wheeler, suddenly the present applicant, one Datta Shinde and four unknown persons stopped him. The applicant gave a blow with sickle on his head. Datta gave a blow by blunt side of the sickle on his head and legs. Other also assaulted the informant with iron rods. Thereafter they went away. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the offence under section 307 of IPC is not made out. The injuries were not life threatening. The applicant is in custody since July and his further custody is not necessary.

6. Learned APP opposed this application. He submitted that, there were serious injuries and some of the injuries were described as grievous injuries and, therefore, the applicant should

not be released on bail.

7. I have considered these submissions. The injury certificate shows that the informant had suffered, one CLW on left temporal region of 8cm. x 2cm. dimension, one punctured wound on left foot, abrasions on both hands and swelling of left foot. There was sign of undisplaced frontal bone. There was fracture of finger of one foot. The medical papers show there were 9 stitches on the scalp of the informant. At this state, there is no reason to doubt the version of the first informant. However, it is also important to see the totality of the case. There were 5 to 6 persons. The informant was at their mercy. Two of the assailants were having sickles and yet only one blow causing incised wound requiring 9 stitches was given on the head. There was no internal injury to the brain and the offence has not escalated any further. The assailants could have inflicted more blows on the vital parts, but that was not done. Therefore, at this stage, there is possibility that the applicant and others did not have any intention of committing murder of the deceased, but they had intention to cause grievous injury. Therefore, offence under section 326 of IPC

is clearly made out. Whether offence under section 307 of IPC is made out or not is a matter of trial. Today I am only considering the question of grant of bail to the present applicant. In the background of this case and taking into account the fact that no other blow was given by the present applicant on any other vital part and no life threatening injury was caused to him, I am inclined to grant bail to the present applicant.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 681 of 2020 registered with Yavat police station, Dist. Pune, the applicant 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.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)