

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 BAIL APPLICATION NO.68 OF 2022

Jalindar S/o. Kushaba Takale
Age: 52 years, Occu.: Ex-Army and Agril.,
R/o.Dattamalwadi, Bhoire-Pathar,
Tal. And Dist.Ahmednagar,
At present Central Jail, Ahmednagar. ..Applicant

VERSUS

The State of Maharashtra
Through Nagar Taluka Police Station,
Ahmednagar. ..Respondent

...
Advocate for Applicant : Shri Mahesh P. Kale
APP for Respondent : Shri S.B.Narwade

...
CORAM : M.G.SEWLIKAR, J.

DATE: 18th February, 2022

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.0643 of 2021, registered with Ahmednagar Taluka Police Station, District Ahmednagar, under Sections 307 and 506 of the Indian Penal Code.

2. Prosecution's case can be summarized as under :-

The fields of the applicant and the informant are adjoining to each other. It seems that there is a dispute between the informant and the applicant on account of the damage caused to

the crops by the she-goats.

3. On 19th November, 2021 at 05:30 p.m., the informant was relaxing below a tamarind tree. At that time, applicant came there with an iron rod and delivered a blow of it on the head of the informant when he was sleeping. This assault was made on account of she-goats. Applicant again aimed a blow at the informant but it was intercepted by the informant with his right hand, owing to which he sustained injury on right hand. The applicant aimed a third blow on the head of the informant which was again intercepted by the informant with his left hand. The informant sustained injury on his left hand. On these allegations, report came to be lodged on the basis of which crime under the aforesaid Sections came to be registered against the applicant.

4. Heard Shri M.P.Kale, learned counsel for the applicant and Shri S.B.Narwade, learned APP for the respondent-State.

5. Shri Narwade, learned APP for the respondent-State submits that an iron rod has been recovered from the applicant. He further submits that two criminal cases are pending against the applicant.

6. Learned APP has produced medical certificate. This

certificate shows that the informant had given history of assault on 16th November, 2021 and the nature of injuries which the Medical Officer found on local examination is as under :-

- 1) Swelling present on bilateral mid-forearm, X-ray showed bilateral Ulna shaft bone fracture, which was grievous in nature. He was operated ORIF (Open Reduction & Internal Fixation with plating) on 22/11/2021.
- 2) Contused Lacerated Wound present on left temporal region measuring 1x1cm in size. CT Brain (P) showed soft tissue swelling in left parietal region and was managed conservatively. Patient was discharged on 26/11/2021.

7. The informant/injured was discharged on 26th November, 2021. While giving medical history, informant mentioned the date of assault on 16th November, 2021 whereas incident took place on 19th November, 2021. Learned APP submits that there may be a typing mistake in mentioning the date. Even otherwise so far as injury No.1 - grievous injury is concerned, it is on forearm and there was fracture of Ulna shaft bone. Injury No.2 does not appear to be a grievous one. Informant is discharged from the Hospital. Nothing is brought on record to show that the injury has affected the general health condition of the informant. In this view of the matter, there is no possibility of conversion of the offence into a more serious one.

8. Learned APP submits that the applicant has criminal antecedents.

9. This Court has issued directions that whenever the Investigating Officer mentions in the report that the accused has criminal antecedents, in that case the Investigating Officer shall also mention whether criminal cases based on these crimes are pending or decided. These directions are followed in breach. In this case also the details as regards whether the criminal cases on the basis of these crimes are pending or decided are not given.

10. In this view of the matter, considering the nature of the injuries, I am inclined to release the applicant on bail. Hence, the order :-

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.30,000/- (Rs. Thirty thousand only) with one solvent surety in the like amount, in connection with Crime No.0643 of 2021, registered with Ahmednagar Taluka Police Station, Dist.Ahmednagar, under Sections 307 and 506 of the Indian Penal Code and on condition that he shall not interfere in the investigation, shall not pressurize the witnesses and shall attend the concerned Police Station twice a week i.e. on Tuesday and Sunday between 11:00 a.m. and 05:00 p.m. till the filing of the charge-sheet.

iii) Bail Application is disposed of.

iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT