

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

926 BAIL APPLICATION NO.71 OF 2022

Govind S/o Waman Randive
Age: 36 years, Occu: Labour
R/o: Bhoisamudra, Tq. & Dist. Latur

... Applicant

Versus

The State of Maharashtra,
Through Police Station Officer,
M.I.D.C Police Staion,
Tq. & Dist. Latur

... Respondent

...

Mr. Prashant B. Jadhav, Advocate for the Applicant
Mr. V. S. Badakh, APP for the Respondent

...

CORAM : M. G. SEWLIKAR, J.

DATE : 17th February, 2022

PER COURT :

By this application, the applicant is seeking his enlargement on bail in connection with Crime No.315/2021 registered with M.I.D.C. Police Station, Latur, District Latur, for the offences punishable under Sections 307, 324, 504 and 506 r/w 34 of the Indian Penal Code.

2. Facts in brief are that injured-Gautam Sarvade is the father of the informant. On 13th May, 2021 at 11:00 a.m., the father of the informant-Gautam and brother-Datta noticed that adjacent owner of the field of the

informant by the name of Waman Randive had ploughed the land. The informant asked Waman Randive as to why the field was ploughed. At that time, Waman Randive claimed that the land which was ploughed belonged to him. Thereafter, the informant, his father and brother–Datta came back home.

3. At 11:30 a.m., when the informant, his father and brother Datta were at home, the accused, namely, Waman Randive, Ganesh Randive, Govind Randive and Lakhan Randive came there and started assaulting the father of the informant by the name of Gautam by means of stick. Accused-Ganesh Randive and accused-Lakhan Randive beat the father of the informant on his head and caused bleeding injury. The applicant Govind Randive assaulted the father of the informant by the name of Gautam with a knife in his abdomen. When the brother of informant-Datta went to rescue his father, applicant-Govind stabbed in the thigh of Datta. On these allegations, the First Information Report came to be registered under the aforesaid sections.

4. Heard Shri Jadhav learned counsel for the applicant and Shri Badak learned APP for the State.

5. Shri Jadhav learned counsel submits that a false case is filed against the applicant. He submits that the brother of the present applicant has filed an application addressed to Superintendent of Police, Latur alleging

therein that PSI-Shri Neharkar has lodged a false complaint against the applicant and Ganesh Randive. He further submits that charge-sheet is filed. Therefore, further detention of the applicant is not necessary. He further submits that injured-Gautam has been discharged from the hospital. Therefore, there is no possibility of the conversion of offence into a more grave one. He, therefore, seeks release of the applicant on bail.

6. On perusal of charge-sheet, it is seen that the statements of witnesses, namely, Datta Sarvade, Bhagyshri Sarvade and Sunita @ Sakhubai Prakash Sarvade and Prakash Pandit Mhaske have been recorded. From their statements, it is seen that an altercation took place between the father of the informant by the name of Gautam Sarvade and accused-Waman Randive. Gautam Sarvade had questioned accused-Waman Randive as to why Waman Randive had ploughed the land. An altercation followed between them.

7. From the statements of the aforestated witnesses, it is further seen that all the accused, including the applicant had been to the house of Gautam Sarvade at 11:30 am. Accused-Ganesh Randive and Lakhan Randive beat Gautam Sarvade on his head. Accused-Govind Randive stabbed in the abdomen of Gautam Sarvade and when the brother of the informant by the name of Datta had gone to the rescue of his father, applicant-Govind assaulted by means of a knife on his thigh.

8. The medical certificate of Gautam Sarvade is also produced on record. It shows that he had stab injury on hypochondrium of the size of 4x3x6 centimeter. He had to undergo surgery. Medical certificate of Datta Gautam Sarvade shows that he had stab injury on thigh over lateral aspect of the size of 3x2x3 centimeter and Medical certificate of Vishal Gautam Sarvade also shows that he had stab injury on parietal region of the size of 8x2x2 centimeter. Knife is also recovered from the applicant. Having regard to this, I am not inclined to release the applicant. Application is, therefore, dismissed.

9. These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

(M. G. SEWLIKAR, J.)