

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

921 BAIL APPLICATION NO.1504 OF 2021

Ashutosh @ Shobhraj Bharat JogdandApplicant

Versus

The State of Maharashtra ... Respondents

WITH
CRIMINAL APPLICATION NO. 312 OF 2022 IN BA/1504/2021

Sarlabai w/o Gajendra KambleApplicant

Versus

1. The State of Maharashtra
2. Ashutosh @ Shobhraj Bharat Jogdand ... Respondents

...

Advocate for Applicant : Shri Pawan K. Ippar
APP for the Respondent - State : Smt. R. P. Gour
Advocate for the informant to assist PP : Shri M. P. Gandle

...

CORAM : M. G. SEWLIKAR, J.

DATED : 25-01-2022

PER COURT :-

1. Heard.

2. It is the prosecution case is that on 15th July, 2021 at 08.00 p.m. there was some function organized by Advocate Shri Nanaware. Two boys including the injured Yashpal were dancing. During the dance, there was accidental push, on

account of which applicant abused injured and started beating him with fist and kick blows. At that time, Pami daughter of Bharat Jogdand and Tayadi Lamture (sisters of the applicant) came there with knives. Applicant took the knife from Pami and stabbed on the back, chest and on right shoulder of the informant. Injured was also beaten by accused. Injured Yashpal was admitted to the Hospital. On these allegations FIR came to be lodged.

3. Heard learned Shri Ippar for the applicant and learned APP Shri A. V. Deshmukh for the State.

4. Learned counsel Shri Ippar submits that the offence is under Section 307 of Indian Penal Code. The injured has been discharged from the Hospital. He further submits that about two months before injured got married. He submits that the injury to the kidney was not caused by the applicant but it was caused by the other accused. Therefore, applicant be released on bail.

5. Learned APP Smt. R.P. Gour submits that the applicant caused injury to the kidney. Because of this, the kidney of the applicant had to be removed. The offence is serious in nature and therefore, applicant may not be released on bail.

6. Charge-sheet is filed. On perusal of the charge-sheet it is seen that the incident took place on account of dancing in a function organized by Advocate Shri Nanaware. Only on that count the applicant stabbed the informant in chest and on back and on shoulder. Injury was so serious that the blow caused damage to the kidney of the informant. As a result of which, kidney of the informant had to be removed. Considering the seriousness of the offence I am not inclined to grant bail to the applicant.

7. Learned APP submits that one offence under Sections 324, 323, 504, 506 of IPC is pending against the applicant. The applicant has criminal background. In this view of the matter, I am not inclined to grant bail to the applicant. Hence, application stands rejected.

8. Criminal Application No. 312 of 2022 also stands rejected.

[M.G.SEWLIKAR, J.]

shp/-