

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 271 OF 2022

Akshay S/o Rangnath Sakhare

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. S. Thombre, Advocate for the applicant.

Mr. R. D. Sanap, APP for respondent/State.

Mr. N. B. Narwade, Advocate holding for Mr. S. R. Zambare, Advocate for the informant.

CORAM : M.G. Sewlikar, J.

DATE : 8th MARCH, 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. 0403/2020 registered with Shivaji Nagar Police Station, Beed, District Beed, for the offences punishable under Sections 307, 323, 143, 147, 148, 149 of the Indian Penal Code and under Sections 3/25 and 4/25 of the Indian Arms Act.

2. Brief facts of the prosecution case are that on 24th October, 2020, at 1.30 pm, informant along with his friends Sudhir

Palwade, Suyash Shinde, Dikshant Bharti and Shubham Sarwade were waiting at K. S. K. College as they wanted to go to Pedgaon. At that time, applicant Akshay Sakhare and Lucky Kandare came there and gave an angry look to the informant. They were on a Scooty. They abused the informant and went away.

3. Some days before, informant had put a photograph of Bala Chirke on the banner of Amol Vidkar on account of his birth anniversary. This did not go down well with Lucky Kandare and applicant Akshay. When informant was standing in front of K. S. K. College, Beed, Lucky Kandare, Akash Kandare, Rishikesh Bhambe, applicant Akshay and others came there. They were armed with sword and sickle. Informant started running and these people along with applicant Akshay chased him. Applicant assaulted on the arm of the informant by means of a sword and Lucky Kandare delivered a blow of sickle on the left leg of the informant. Rishikesh delivered a blow of stone on his head. Ashok Sathe assaulted him by means of a belt. Applicant Akshay assaulted the informant by means of a sword on his right leg. Akash was holding a revolver. The informant was shifted to hospital. On these allegations, First Information Report came to be lodged.

4. Heard Shri S. S. Thombre, learned counsel for the applicant, Shri R. D. Sanap, learned APP for the State and Shri N. B. Narwade, learned counsel for the informant.

5. Learned counsel Shri Thombre submits that charge-sheet is filed. There is no injury on the vital part of the body. Informant sustained grievous injury on hands and legs. He had a sutured wound on his head. He had fracture of distal arm and Tibia fracture. Learned counsel Shri Thombre further submits that if applicant is released on bail, he will not enter Beed District. He, therefore, seeks release of the applicant on bail.

6. Learned APP Shri Sanap submits that the informant had sustained injury on his head. It was a sutured wound. He further submits that the informant had sustained grievous injuries. He, therefore, submits that considering the manner in which the offence was committed, the applicant may not be released on bail.

7. Shri Narwade, learned counsel for the informant submits that the applicant was released on Covid-19 bail. While on bail, he committed another offence punishable under Sections 324, 452 of

the Indian Penal Code.

8. Charge-sheet is filed. Injured has been discharged from the hospital. He had head injury but from the medical certificate, it does not appear that he had sustained fracture. The fractures which the informant had are on leg i.e. Tibia and Distal Tibia. No further complications are reported.

9. So far as offence committed while on Covid-19 bail is concerned, learned APP submits that the informant in that crime has subsequently given supplementary statement that due to some misunderstanding, he filed report against the applicant. Therefore, charge-sheet could not be filed. The head injury was not caused by the applicant. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 1,00,000/- (Rs. One Lac) with one solvent surety in the like amount in connection with Crime No. 0403/2020 registered with Shivaji Nagar Police

Station, Beed, Dist. Beed, for the offences punishable under Sections 307, 323, 143, 147, 148, 149 of the Indian Penal Code and under Sections 3/25 and 4/25 of the Indian Arms Act, on condition that he shall not enter Beed District till conclusion of the trial.

iii) Application is disposed of.

iv) It is made clear 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

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 767 OF 2022 IN
BAIL APPLICATION NO. 271 OF 2022

Sumit Ganpatrao Kolpe

Applicant

Versus

Akshay Rangnath Sakhare & another

Respondents

Mr. N. B. Narwade, Advocate holding for Mr. S. R. Zambare, Advocate
for the applicant.

Mr. R. D. Sanap, APP for respondent/State.

Mr. S. S. Thombre, Advocate for respondent No. 2.

CORAM : M.G. Sewlikar, J.

DATE : 8th MARCH, 2022.

PER COURT :

Application is disposed of.

(M. G. SEWLIKAR)
Judge

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