

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

933 BAIL APPLICATION NO.309 OF 2022

**SATWAJI MAROTRAO PANDAGALE
VERSUS
THE STATE OF MAHARASHTRA**

Shri. S. R. Bagal, Advocate for the applicant
Shri. S. B. Narwade, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 10th March, 2022**

PER COURT :-

1. Heard.

2. There is a dispute between the applicant and the informant on account of cart way. On 23rd December, 2021 at 07.00 p.m. informant and others were repairing the said cart way. At that time applicant and other accused by the name of Raju Pandagale, Sadashiv Pandagale, Gajanan Pandagale and Ganesh Gavhane came there and assaulted the informant and others. Applicant delivered a blow of axe on the head of the informant. Accused Ganesh Gavhane assaulted him by means of *katti* on his chest but he avoided it as a result of which he sustained injury on his arm. Thereafter applicant assaulted

brother of the informant by name of Ramesh on his head. On these allegations FIR came to be lodged.

3. Learned counsel Shri. Bagal submits that all the accused have been released on bail except the present applicant. He submits that the applicant is alleged to have assaulted on the head of the informant. However, informant did not sustain any grievous injury. He submits that Medical Officer has mentioned it to be grievous but it only shows that it is contused lacerated wound. He further submits that the accused who had caused grievous injury has been released on bail. He, therefore, seeks release the applicant on bail.

4. Learned APP Shri. Narwade submits that charge-sheet is yet not filed. Applicant assaulted the informant by means of a sword on his head. Offence is serious in nature. Therefore, application deserves rejection.

5. Medical certificate is produced along with investigation papers. Medical certificate shows that informant had sustained injury on his head but it was not a grievous injury

though Medical Officer has stated it to be grievous injury. It is contused lacerated wound. The medical certificate further shows that injured/informant has sustained injury on his chest. It is was a fracture injury and it was allegedly caused by accused Ganesh and he is released on bail. Having regard to the nature of the injury, I am inclined to release the applicant on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 40,000/- (Rupees Forty Thousand only) with one solvent surety in the like amount in connection with CR No. 0111 of 2021 under Sections 307, 143, 147, 149, 504 of the Indian Penal Code registered with Barad Police Station, District Nanded, he shall not tamper the prosecution evidence, shall not interfere in the investigation and shall attend the concerned police station on every Sunday between 10.00 a.m and 4.00 p.m. till the filing of the charge-sheet.
3. Application is disposed of.
4. It is clarified that the observations made in the above 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, J.]

ssp