

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

**927 BAIL APPLICATION NO.354 OF 2022
WITH APPLN/1309/2022**

**BHAU @ PINTU ANANDA RASAL
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. Nitin Sejpai h/f. Andhale Sandip Ramnath
APP for Respondents/State : Mr. A.V. Deshmukh
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 8th April, 2022**

PC.:-

The applicant who is an accused in Crime No.159/2014 registered with Parner Police Station, District Ahmednagar under Section 307, 143, 147, 148, 149, 323, 504, 506, 109, 52-A, 212 of the I.P.C. and under Section 3/25, 4/25 of the Arms Act has moved this application for bail.

2. Allegations in the FIR in nut shell are that on 4th July, 2014 at 9.00 pm informant Sharad @ Gaurav Raghunath Pawar and his brother Sunil Pawar were having dinner at Hotel Manthan at village Nighoj at 9.00 pm. At that very moment applicant along with accused-Pravin Rasal, Mauli Rasal, Prasad Varal and 10 to 12 other people came there. Applicant was armed with sword. Pravin was also armed with a sword. Both of them started assaulting

Sunil by means of sword. Sunil had placed his hands on head to save himself. Accused-Pravin Rasal delivered a blow of sword on the head of Sunil, applicant-Pravin Rasal also assaulted on both the hands. Others assaulted Sunil by means of glass water bottles. Out of fear informant fled from the spot. On these allegations FIR came to be lodged. Injured-Sunil was admitted in Manikchand Hospital, Shirur, District Pune.

3. Heard learned counsel Shri Sejpal for the applicant, Shri Deshmukh learned APP for the State and Shri Narwade learned counsel for the informant.

4. Learned counsel Shri Sejpal submits that applicant is behind the bars for more than four years. He submits that applicant is alleged to have assaulted Sunil by means of sword and is also accused of using fire arm i.e. revolver. However, there is no injury by sword. So also there is no injury by fire arm. He further submits that none of the injuries are on vital part. The only injury on the vital part is on parietal region. It is simple in nature.

5. Learned APP Shri Deshmukh and learned counsel Shri Narwade submit that the applicant has criminal antecedents. They further submit that the blows were aimed on the head of Sunil, since he had covered his head by both the hands, the blows landed on the hands. They submit that their

intention was to kill Sunil and for that reason only these blows were aimed at the head. They further submit that evidence of witness-Vishnu Shirtar clearly shows that attempt was to kill Sunil but the blows landed on his hands. Considering the seriousness of the injuries applicant should not be released on bail. They further submit that medical certificate shows that applicant had sustained three grievous injuries.

6. I have given thoughtful consideration to the submissions of all the learned counsel. Medical certificate shows that applicant had sustained three grievous injuries. However, all of them were by hard and blunt object. True it is that other injuries are shown to have been caused by sharp object but they are simple in nature. There is one more injury on scalp, parietal and occipital region and sharp cut over neck. It is also simple in nature. Applicant was arrested on 30th March, 2018. Considering, his detention behind the bars for a period of four years, I am inclined to release him on bail. Learned counsel Shri Sejpal has made a statement at bar that charge is also yet to be framed. Having regard to this, I am inclined to release the applicant on bail subject to some conditions. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.159/2014

under Section 307, 143, 147, 148, 149, 323, 504, 506, 109, 52-A, 212 of the I.P.C. and under Section 3/25, 4/25 of the Arms Act with Parner Police Station, District Ahmednagar on condition that on condition that he shall not enter village Nighoj till the conclusion of the trial and shall not commit any other offence. In case he commits any other offence, prosecution is at liberty to move the Sessions Court for cancellation of bail.

- III) Application for assist to APP is also disposed of.
- IV) 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.]