

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

**932 BAIL APPLICATION NO.218 OF 2022
WITH APPLN/866/2022 IN BA/218/2022**

Amol Bhausahab Kardile
Age: 32 years, Occu.: Agriculture,
R/o.Kurund, Tq.Parner, Dist.Ahmednagar. ..Applicant

VERSUS

The State of Maharashtra ..Respondent

...
Advocate for Applicant : Shri Joydeep Chatterji
APP for Respondents: Shri V.S.Badakh
Advocate for Informant : Shri S.D.Jaybhar

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CORAM : M.G.SEWLIKAR, J.

DATE: 16th 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.0050 of 2021, registered with Parner Police Station, District Ahmednagar, under Sections 307, 326, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, under Sections 3/25, 4/25 of the Arms Act and under Sections 37(1)(3), 135 of the Maharashtra Police Act.

2. Allegations in the FIR in nutshell are that informant had contested election of Gram Panchayat, Kurund, Tq.Parner, from

Ward No.2 against Anil Dashrath Kardile. In the election, Anil Dashrath Kardile defeated the informant.

3. On 19th January 2021 at 03:00 p.m. informant was doing agricultural operations in his field. At that time, a car of white colour followed by two Motorcycles of black and red colour came there. Accused Anil Dashrath Kardile, Sagar Bhausaheb Kardile, Pankaj Anil Kardile, Rajendra Shelke, Suhas Thorat came there on Motorcycle. Applicant Amol alongwith Vivek Arun Kardile, Avinash Kardile, Aakash Kardile, Rajendra Kardile came there. Applicant and accused Vivek were holding swords. Other accused were holding sticks. All of them assaulted the informant. Applicant Amol delivered a blow of sword on the head of the informant. Accused Vivek delivered a blow on right leg of the informant. Other accused beat him with sticks. On hearing commotion, daughter of the informant by the name of Nirmala and sons of Kisan came there running. On these allegations, FIR came to be lodged under the aforesaid Sections.

4. Heard Shri Joydeep Chatterji, learned counsel for the applicant and Shri V.S.Badakh, learned APP for the respondent.

5. Shri Chatterji, learned counsel for the applicant submits

that charge-sheet is filed. Applicant did not suffer any serious injury. He has been discharged from the hospital and no other complications are reported. He submits that applicant is behind bars for more than one and half years. Trial is not likely to be commenced in near future. He, therefore, prayed for releasing the applicant on bail.

6. Shri Badakh, learned APP for the respondent submits that informant was admitted in the hospital for 18 days. Medical certificate issued by Vedanta Hospital shows that informant was admitted in ICU. There are 15 cases pending against the applicant. If he is released on bail, he is likely to commit similar offence again.

7. Applicant has annexed details of cases pending against him. RCC No.165 of 2011 under Section 379, 344 and Crime No.97 of 2019 under Section 363 are pending against the applicant. In all other crimes, applicant seems to have been acquitted.

8. Role of the applicant, as per the FIR, is that he assaulted the informant by means of a sword on his head. Fifteen cases are shown to have been pending against the applicant. However,

in most of the cases including crime under Section 302 of the IPC, applicant has been acquitted.

9. Shri Chatterji, learned counsel submits that if the applicant is released on bail, he will not enter in Ahmednagar District till the conclusion of the trial.

10. Offence alleged against the applicant is under Section 307 of the IPC. He is behind bars for more than one and half years. Trial is not likely to commence in near future considering the pandemic situation having arisen on account of Covid-19. In view of this, I am inclined to release the applicant on bail by putting some conditions. Hence, the order :-

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.60,000/- (Rs. Sixty thousand only) with one solvent surety in the like amount, in connection with Crime No.0050 of 2021, registered with Parner Police Station, District Ahmednagar, under Sections 307, 326, 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, under Sections 3/25, 4/25 of the Arms Act and under Sections 37(1)(3), 135 of the Maharashtra Police Act, and on following conditions that,
(a) he shall not pressurize prosecution witnesses,

- (b) he shall not tamper prosecution evidence,
- (c) he shall give his mobile number and address of his residence to the concerned Police Station. If there is any change in the address or mobile number, that also shall be communicated to the concerned Police Station.
- (d) he shall not enter Ahmednagar District till the conclusion of the trial except on the dates fixed during the trial by the trial Court at Ahmednagar and Parner.

iii) Bail Application is disposed of.

iv) Criminal Application filed for assist to Public Prosecutor is also disposed of.

v) It is clarified 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