

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

941 BAIL APPLICATION NO.463 OF 2022

**VINOD SHAMA BAGUL
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Rohit Parwardhan h/f. Deshpande Chaitanya C.
APP for Respondents/State : Mr. G.O. Wattamwar

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

PC.:-

Heard.

2. Allegations against the applicant are that on 7th June, 2021 at 10.00 pm applicant-Vinod along with other accused by the name of Sambhaji, Yogesh, Samadhan and Jagdish assaulted the informant. Applicant Vinod and Jagdish were holding sickle Accused-Yogesh was holding wooden rod and they assaulted, his father-Ashok Gaikwad, brother-Sukhlal Gaikwad and mother Sushilabai Gaikwad. Applicant-Vinod assaulted on the head of Sukhlal. It was intercepted by Sukhlal by means of his palm. Accused-Jagdish delivered a blow of axe on the head of Sukhlal. Accused-Sambhaji, Yogesh assaulted the parents of the informant by means of wooden rod and accused-Samadhan dealt a blow of sickle on the palm of the parents of the informant

because of which they sustained injuries on their fingers. On these allegations FIR came to be lodged under Section 307, 143, 147, 148, 149, 354, 326, 324, 323, 504, 506 of the I.P.C. vide Crime No.204 of 2021 registered with Dhule Taluka Police Station, District Dhule.

3. Learned counsel Shri Patwardhan h/f. Shri Deshpande submits that injured-Sushilabai has stated in her statement under Section 164 of the Cr.P.C. that applicant assaulted her by means of sickle. Injured-Ashok also stated the same thing. He submits that the injury received by the injured are simple in nature. He, therefore, seeks release of the applicant on bail.

4. Learned APP submits that the applicant and other accused had intended to murder all the injured witnesses and pursuant to that applicant assaulted the injured by means of sickle. There are statements of witnesses indicating the intention of the applicant and other accused who tried to commit the murder of the injured witnesses. He submits that applicant has criminal antecedents. One Crime No.354/2020 under Section 324, 323, 504, 506 read with Section 34 of the I.P.C. is pending against the applicant. He, therefore prays for rejection of the application.

5. Charge-sheet is filed.

6. Injury certificate shows that all the witnesses have sustained

simple injuries. One of the witnesses has sustained fracture injury on his palm. Other witnesses have sustained simple injuries. One of the witnesses has sustained abrasion on frontal region. Having considered the nature of injuries, it cannot be said that the applicant and other accused had the intention to commit murder of the injured. No extraordinary circumstance is brought on record to deny bail to the applicant. I am inclined to release the applicant on bail by putting some conditions. In this view of the matter, 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.204 of 2021 under Section 307, 143, 147, 148, 149, 354, 326, 324, 323, 504, 506 of the I.P.C. with Dhule Taluka Police Station, District Dhule on condition that he shall not tamper with the prosecution evidence and shall not commit any similar offence. In case he commits any other offence, prosecution is at liberty to move the Sessions Court for cancellation of bail.
- III) 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.