

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

964 BAIL APPLICATION NO.694 OF 2022

**SHIVNATH TULSHIRAM KHEDEKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Mr. Parth Surendra Salunke, Advocate for Applicant
Mrs. V.N. Patil Jadhav, APP for Respondent / State
Miss. S.A. Kothari h/f. Mr. S.G. Ladda, Advocate for Applicant /
informant in Cri. Appln. No.1811 of 2022

...
WITH

**CRIMINAL APPLICATION NO. 1811 OF 2022
IN
BAIL APPLICATION NO.694 OF 2022**

....

CORAM : SARANG V. KOTWAL, J.

Date : JUNE 08, 2022

PER COURT :-

1. The applicant is seeking bail in connection with C.R. No.288 of 2021 registered at Karmad Police Station, Dist. Aurangabad on 08.07.2021 under Section 326, 324, 323, 143, 147, 149, 504, 506 of the Indian Penal Code. Subsequently, Section 307 of I.P.C. is added. The applicant is arrested on 31.08.2021 and since then, he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Mr. P.S. Salunke, learned Counsel for the applicant, Mrs. V.N. Patil Jadhav, learned APP for the respondent / State and Miss. S.A. Kothari h/f. Mr. S.G. Ladda, learned Counsel for the informant.

3. The FIR is lodged by one Mhasu Khadekar. He stated in the FIR, that, on 06.07.2021, when he was putting up fencing for grapes, his cousin Tulshiram restrained him, however, the informant ignored him and tried to convince him. When he was returning home, he was stopped by Tulshiram and Tulshiram's sons Shivnath (present applicant) and Bharat. All of them assaulted the informant with sticks causing injuries to his hands, legs and back. Informant's sons Aakash, Prakash, wife - Shakuntalabai as well as daughters came there. At that time, all the accused assaulted the informant, his wife, his sons and daughters. In the incident, Aakash suffered injuries to his head and hands. Prakash was assaulted by the applicant with the handle of an axe on his right hand. The assailants went away. After that, the FIR was lodged. The applicant and others were arrested.

4. Learned Counsel for the applicant submitted that only Aakash had suffered grievous injuries. That injury is not attributed to the present applicant specifically. The applicant is alleged to have

assaulted Prakash on his hands. The injury certificate shows that it is a simple injury. The applicant used the handle of the axe and not the blade. That also shows that he had no intention to commit murder and therefore Section 307 of the I.P.C. is not attracted. He submitted that the applicant is in custody since 31.08.2021 and further custody is not necessary. The investigation is already over.

5. Learned APP as well as learned Counsel for the first informant opposed this application. They submitted that, Aakash had suffered serious head injury and he has still not recovered from that injury and, therefore, bail should not be granted to the applicant.

6. I have considered the submissions made by learned Counsel appearing for the respective parties and I have also perused the charge-sheet. The statements of the other eye witnesses Kalyani, Prakash, Shakuntalabai etc., are similar. None of the eye witnesses has attributed specific role to the present applicant causing injury to Aakash. Even Aakash has not attributed the head injury to the applicant specifically. Injury certificates show that only Aakash has suffered serious injury. The informant had suffered two fractures, but there is no life threatening injury caused to him. Prakash had suffered two simple injuries, which are attributed to the present

applicant.

7. Considering this background and also taking into account that applicant is in custody since 31.08.2021, the investigation is over and the trial is likely to take a long time, I am inclined to grant bail to the present applicant on certain conditions. Hence, I pass the following order.

ORDER

(i) In connection with C.R. No.288 of 2021 registered at Karmad Police Station, Dist. Aurangabad, the applicant is directed to be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station once a month till framing of the charges.

(iii) The Bail Application is disposed of accordingly.

8. The observations made in the order are only for the purpose of deciding this bail application. The trial Court shall decide the trial on merits of the case without getting influenced by these observations.

9. In view of the disposal of the Bail Application, nothing survives for consideration in Criminal Application No.1811 of 2022 and the same stands disposed of.

(SARANG V. KOTWAL, J.)