

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.997 OF 2022

Sachin s/o Ratan Pathe

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. V.S. Wakale, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 3rd AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0046/2022, registered at Ajintha Police Station, District Aurangabad for the offence punishable under Sections 307, 324, 323, 294, 452, 504, 506 read with Section 34 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by the victim himself on 28/2/2022 by 2.40 Hrs. It is alleged in the F.I.R. that, the informant resides along with his parents, brother Pavan and grandmother Bhagabai together. The applicant is a cousin uncle of the informant. He resides at

the backside of the house of the informant. Construction of a wall of a premises of the informant was stalled by the applicant. Over the same, there used to be quarrels between the two families.

3. On 27/2/2022, by 12.00 noon, the informant and his mother were engaged in picking up stones and bricks lying in front of their house. The applicant came there. He was drunken. He abused the informant's mother in filthy language. The informant's mother went back to home. The applicant threw a stone at the informant. The same fell on his head, causing grievous injury. He also hit the informant's mother with a brick. She too suffered head injury. Meanwhile, the parents of the applicant arrived. They too assaulted and manhandled the informant's mother. The crime, therefore, came to be registered.

4. The learned counsel for the applicant would submit that, the victim has now been discharged from the hospital. On investigation, the charge sheet has been filed. It will take time for commencement and conclusion of the trial. He, therefore, urged for grant of bail to the applicant.

5. The learned A.P.P. would, on the other hand, expressed reservations for grant of bail to the applicant.

6. Considered the submissions advanced. Perused the F.I.R. and the related papers. The applicant is the cousin uncle of the informant. There is a dispute between the two families over construction of a wall. On the given day, the applicant came drunk. He picked up quarrel with the informant and his mother. He assaulted both the informant and his mother by throwing a stone and brick. As a result, the informant's mother sustained simple injury while the informant suffered grievous head injury. The fact is, however, that, on investigation the charge sheet has been filed. The applicant has been behind the bars since 19/4/2022. The informant has now been discharged from the hospital. It will take time for commencement and conclusion of the trial. In the fitness of things, I am inclined to grant bail to the applicant. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0046/2022, registered at Ajintha Police Station, District Aurangabad for the offence punishable under Sections 307, 324, 323, 294, 452, 504, 506 read with Section 34 of

the Indian Penal Code on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not enter village Ajintha until conclusion of the trial.

(iv) The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-