

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

BAIL APPLICATION NO. 1053 OF 2022

Amey Madhav Mule	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Satej S. Jadhav, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 23rd AUGUST, 2022

PER COURT :-

. 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.0055/2022, registered at Sangamner Police Station, District Ahmednagar, for the offences punishable under Sections 307, 326, 324, 120-B. 143, 147, 148, 149, 452, 337, 427, 504, 506, 436, 511, 329 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by the brother of the victim Swapnali on 13.02.2022. The incident took place on the previous

night by 9.00 p.m. It is the case of the informant that his sister Swapnali married co-accused Paresh. Due to marital discord, she has been staying at her parental house for six months before lodging of the FIR.

On the given day, Paresh accompanied by the present applicant and the co-accused, came to the informant's home. Swapnali was present in the courtyard of the house. Co-accused Paresh asked him to accompany him back to matrimonial home. She refused. He, thereby got annoyed. He assaulted her with a sword. With a view to save herself, she moved abit, whereby the sword blow fell on her left hand. The applicant Amey and co-accused have damaged Xylo car, stationary outside the house of the informant.

3. The learned APP would, submit that the criminal liability of the applicant for the offence punishable under Section 307 IPC is sought to be invoked with the aid of Section 34 of the IPC. The offence is serious one. He, therefore, urged for rejection of the application.

4. Having considered the averments in the FIR, the applicant has not been attributed with any assault either to the victim or any

person there. He is alleged to have damaged the car of the informant. Considering the role played by the applicant in the alleged offence and the fact that on investigation the charge-sheet has been filed, I am, therefore, inclined to grant the application. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0055/2022, registered at Sangamner Police Station, District Ahmednagar, for the offences punishable under Sections 307, 326, 324, 120-B, 143, 147, 148, 149, 452, 337, 427, 504, 506, 436, 511, 329 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]