

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

BAIL APPLICATION NO.1244 OF 2022

Prasad Mohan Chavan

... APPLICANT

VERSUS

The State of Maharashtra & anr.

... RESPONDENTS

.....
Mr. Aniket Ujjwal Nikam, Advocate with
Mr. T.S. Lodhe, Advocate and
Mrs. Asawari Avinash Prabhune, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent No.1 – State
Ms Shital E. Waghmare, Advocate for respondent No.2
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CORAM : R. G. AVACHAT, J.

DATE : 30th AUGUST, 2022.

PER COURT :

As per order dated 25/8/2022 of this Court, learned counsel for the applicant has not made amendment to add respondent No.2. Now learned counsel states that he will carry out the amendment forthwith. Leave to amend to add the informant as party respondent No.2. Amendment to be carried out forthwith.

2. 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.0375/2021,

registered at Karjat Police Station, District Ahmednagar for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act (Sessions Case No.101/2021).

3. The First Information Report (F.I.R.) has been lodged on 16/6/2021. The applicant and his family members on one hand and the informant and his family members on the other are distant relatives. It appears that, there was a dispute over agricultural land. The informant along with his parents had been to the house of his cousin uncle Anil Gaikwad to have a discussion over the issue relating to agricultural land. At that time, the applicant and the co-accused, armed with sharp weapons like sickle arrived there. They are alleged to have assaulted the informant and his parents. The applicant assaulted the informant's mother Ashwini and his father as well with a sickle. The injury certificates of both of them would indicate, Ashwini suffered four grievous injuries to her both arms. Avinash suffered head injury. The same is stated to be simple in nature.

4. The learned A.P.P. and the learned counsel for respondent No.2 – informant would submit that, the offence is serious one. There is eye witness account. The injury

certificate indicates the victims to have suffered grievous injuries at the hands of the applicant and the co-accused. The learned counsel for respondent No.2 also adverted attention of this Court to the disclosure statement made by the present applicant, pointing a well wherein he allegedly dropped the sickle. Both the learned A.P.P. and learned counsel for respondent No.2, therefore, urged for rejection of the bail application.

5. It is true that the F.I.R. and all the police papers make out the applicant's involvement in the offence in question. The victims have been discharged from the hospital long back. The applicant has been in jail for about 15 months. Charge has not yet been framed. It will necessarily take time for commencement and conclusion of the trial. In view of this fact, this Court is inclined to allow the bail application. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0375/2021, registered at Karjat Police Station, District Ahmednagar for the offences punishable under

Sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 4/25 of the Arms Act (Sessions Case No.101/2021) 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 Karjat Taluka till conclusion of the trial.

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

(R. G. AVACHAT, J.)

fmp/-