

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

BAIL APPLICATION NO.1264 OF 2022

Avinash s/o. Shivaji Khandagale	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.A.S.Gandhi, Advocate for applicant
Mr.S.P.Sonpavale, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 23, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0066 of 2021 registered with Sonai Police Station, Dist.Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged on 21.02.2021 in relation to the incident took place on 19.02.2021, i.e. two days before. It has been averred in the FIR that while the husband of the informant was proceeding on motorbike from the house of the co-accused – Shivaji, he (Shivaji) gave him call from behind and asked him not to pass by that road. A quarrel, therefore, ensued between the two. The

informant rushed there since her residence was in the neighborhood. The co-accused gave call to his family members. Thereupon, his son, Satish, came armed with axe. The applicant herein arrived with sickle. The co-accused – Karbhari also arrived there. It is further alleged that the husband of the informant was caught hold by Ankush. The co-accused – Satish assaulted him with axe. The applicant herein assaulted on the leg of the informant's husband, Sanjay, with sickle.

4. Learned counsel for the applicant would submit that the applicant is 24 years of age. He holds a Master degree (Master in Computer Application). On investigation, charge sheet has been filed. The applicant has been behind the bars for little over one and half months. He, therefore, urged for grant of bail.

5. Learned APP would submit that all the accused assaulted the informant's husband with sharp weapons. It is a serious offence. He, therefore, urged for rejection of the application.

6. Perused the FIR and the related papers. If we take the individual act of the applicant, he is attributed with assault on the leg of the husband of the informant with sickle. The injury

certificate indicates the victim to have suffered grievous injury (fracture). It would be an offence punishable under Section 326 of Indian Penal Code. For the offence under Section 307 of I.P.C., criminal liability of the applicant is sought to be invoked based on Section 34 or 149 of I.P.C.

7. The applicant has been behind the bars for little over one and half months. He is 24 years of age. On investigation, charge sheet has been filed. He has allegedly assaulted on the leg of the informant's husband. Section 307 of I.P.C. has been invoked so far as assault made by co-accused – Satish. In view thereof, this Court is inclined to grant the applicant bail.

8. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0066 of 2021 registered with Sonai Police Station, Dist.Ahmednagar, on 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 tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]