

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

BAIL APPLICATION NO. 1339 OF 2022

Ranjit Bhimrao Bandgar

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.P. Urgunde, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent - State
....

CORAM : R.G. AVACHAT, J.
RESERVED ON : 30th AUGUST, 2022
PRONOUNCED ON : 26th SEPTEMBER, 2022

ORDER :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 128 of 2022 registered with Bhada Police Station, Dist. Latur for the offences punishable under Sections 307, 326, 504 and 506 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by the victim himself on 28th July, 2022. The applicant is brother of the informant. It has been averred in the

F.I.R. that both, the informant and the applicant, had taken a common water supply connection. There had been a quarrel between the two over the common water tap. The villagers had reasoned with both of them. It is also the case of the informant that he had been to his field by 07:00 in the morning on 27th July, 2022 for milking the cow. The applicant came there armed with sickle. He picked up quarrel with the informant and assaulted him therewith. As a result, the informant suffered grievous injuries to both of his hands. He was admitted to Halnikar Hospital at Latur. He was an indoor patient there. His thumb has to be amputated. He gave supplementary statement on the following day alleging therein that it was an assault on his life. Section 307 of the I.P.C., therefore, came to be invoked in addition to Section 326.

4. Learned counsel for the applicant would submit that the applicant is in jail for little over one and half months. Investigation is almost complete. It was a quarrel between two brothers. The informant got admitted in a private hospital. Injury certificate may not, therefore, be relied on at this stage. He, therefore, urged for grant of the application.

5. Learned A.P.P. would, on the other hand, submit that thumb of the informant had to be amputated. Investigation is still underway. If the applicant is granted bail, he would indulge in similar offence. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. It is a quarrel between two brothers over taking water of a common water tap. The applicant is twenty-four years of age. He is in jail for over fifty days. Investigation appears to have been almost over. Pre-trial detention of the applicant is unwarranted. The Court is, therefore, inclined to grant him bail.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 128 of 2022 registered with Bhada Police Station, Dist. Latur for the offences punishable under Sections 307, 326, 504 and 506 of the Indian Penal Code, on executing PR. 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 Ashiv, Tq. Ausa, Dist. Latur for next six months.

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

(R.G. AVACHAT, J.)