

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

**930 BAIL APPLICATION NO.1484 OF 2021
WITH APPLN/108/2022**

**BABARAO @ BABASAHEB DNYANOBA JADHAV
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondents/State : Mr. S.B. Narwade
Advocate for Applicant in Appln/108/22 : Ms. Aarti Bhagwat h/f.
Kshirsagar Gajanan
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 13th January, 2022**

PC.:-

By this application, applicant is seeking enlargement on bail in connection with Crime No.374/2021 under Section 307, 327, 324, 325, 143, 147, 148, 149, 504, 506 of the I.P.C. registered with Manwat Police Station, District Parbhani.

2. Prosecution case in short is that the informant was present in his shop on 2nd November, 2021 at 6.30 am. At 9.45 am accused-Datta Jadhav, Balasaheb Jadhav and applicant came to the shop of the informant and assaulted the informant on the ground that the informant did not help the applicant and the other accused in the election. Accused-Datta Jadhav

delivered a blow of sickle on the head of the informant, accused-Balasaheb Jadhav delivered a blow of sickle on both the legs of the informant. Applicant delivered a blow of iron rod on the back of the informant. When his wife Durga Ramprasad Jadhav came out of the house applicant assaulted her also on her right hand, waist, neck and left thigh. On these allegations FIR came to be lodged and crime was registered under the aforesaid sections.

3. I have heard learned counsel Shri Salunke for the applicant and Shri Narwade learned APP for the State and Ms.Aarti Bhagwat learned counsel for the informant assisting APP.

4. Learned counsel Shri Salunke submits that from the tenor of the FIR, it does not appear that the applicant had assaulted on any vital part of the body. The injuries sustained by the informant are simple in nature. Applicant is alleged to have assaulted on the back, shoulder and thigh of the informant and his wife. He submits that there are no criminal antecedents against the applicant.

5. Learned APP Shri Narwade submits that offence is serious in nature. He was possessing a dangerous weapon like iron rod and he inflicted the injuries on the person of the informant and his wife. Therefore, he opposed the application for bail.

6. Learned counsel Ms. Arti Bhagwat for the informant assisting APP submits that the applicant has criminal antecedents. There is danger to the life of the informant at the hands of the applicant. She, therefore, opposed the application for bail.

7. So far as criminal antecedents are concerned learned APP has produced on record communication from Police Station Manwat indicating therein that in all the offences the applicant has been acquitted. Applicant did not cause any injury on the vital part of the body. Injury was allegedly caused on the thigh, back and elbow of the informant and his wife. The Hon'ble Supreme Court in the case of **Prashant Singh Rajput V/s. State of Madhya Pradesh; AIR 2021 SUPREME COURT 5004**, has made it clear that while considering application for bail gravity of the accusation and role of the accused are the necessary concomitants. In the case at hand, the applicant did not cause any injury on the vital part of the body. Applicant will be available for trial as he has permanent residence at Bhosa, Taluka Manwat, District Parbhani. Therefore, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.30,000/- with one solvent surety in the like amount, in connection with Crime No.374 of

2021 under Section 307, 327, 324, 325, 143, 147, 148, 149, 504, 506 of the I.P.C. with Manwat Police Station, District Parbhani on conditon that he shall attend the concerned police station on every Wednesday and Sunday between 12.00 and 4.00 pm till the filing of the charge-sheet. He shall not enter village Bhosa, Taluka Manwat till the filing of the charge-sheet.

III) Application for assist to APP is also disposed of.

[M.G. SEWLIKAR, J.]