

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1596 OF 2021

Vishal Jalad Mondkar

Applicant

Versus

The State of Maharashtra

Respondent

Mr. Ajinkya Kale, Advocate for the applicant.

Mr. G.O. Wattamwar, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 24th JANUARY, 2022.

PER COURT :

1. By this application, applicant is seeking his release on bail in connection with Crime No. 0375/2021 registered with Karjat Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 4/25 of Arms Act.

2. Informant is the son of the injured by the name of Ashwini. It seem that there was a dispute between the informant and the accused with respect to lands block No. 189, 190, 191 at

Supa, Tq. Karjat, Dist. Ahmedagar.

3. On 16th June, 2021, at 11.30 am, injured Ashwini, her father by the name of Avinash and the informant had been to the accused for negotiations with respect to these lands. They were talking outside the house. At that time, accused Swapnil Ajinath Waydande, Anusaya Narayan Gaikwad and Nita Dada Dadar came there and started saying that the informant had no right over the fields. At that very moment, accused Anil Narayan Gaikwad armed with a stick, accused Sandip Narayan Gaikwad armed with sickle, accused Prasad Mohan Chavan armed with sickle, accused Vishal Jalad Mondkar armed with stick, accused Swapnil Ajinath Waydande armed with stick and accused Laxmi Dada Dadar armed with a knife marked on them. Informant, his mother and father started running towards the field. Accused and the applicant followed them and started beating. Informant was assaulted by accused Sandip Narayan Gaikwad by means of a sickle, accused Prasad Mohan Chavan assaulted him by means of a sickle, his mother was assaulted by accused Sandip Narayan Gaikwad and accused Prasad Mohan Chavan by means of sickles and other accused assaulted both of them by sticks. Accused Prasad Mohan Chavan and Sandip

Narayan Gaikwad assaulted father of the informant on his head and arms with sickle and stick. On these allegations, First Information Report came to be lodged against the applicant.

4. Heard Shri Kale, learned counsel for the applicant and Shri Wattamwar, learned APP for the State.

5. Learned counsel Shri Kale submits that applicant has been falsely implicated in this case. No specific role is attributed to the applicant in the First Information Report. He was alleged to have been armed with stick whereas in the statement of the witness, it is stated that he was armed with an iron rod. He submits that he has no concern with the family of the accused or the family of the informant. He has been falsely implicated in this offence. He submits that no recovery is effected from the applicant. He is the only earning member of the family. The crime is committed at Karjat and the applicant is the resident of Pune. Therefore, he be released on bail.

6. Learned APP Shri Wattamwar submits that applicant is the person who assaulted the injured Ashwini. She fell down and

thereafter the other accused assaulted her by means of sickle. He submits that her both arms have been amputated. So far as weapons are concerned, after the incident was over, accused threw the weapons into the well.

7. I have carefully considered the submissions of both the learned counsel. Statement of injured Ashwini is recorded. She has given a detailed account of the incident. Applicant has been attributed a role of assaulting injured Ashwini by means of an iron rod. It is further stated by injured Ashwini that applicant delivered a blow of rod and fell her down. Other accused assaulted her by means of katti and because of this assault, she fell unconscious. Similar is the statement of witness Avinash Haribhau Gaikwad, Raosaheb Shrigang Gaikwad and other witnesses. Medical certificate indicates that both the hands of injured Ashwini have been amputated. This assault has made injured Ashwini dependent on others. She cannot perform her routine daily activities. True it is that in the First Information Report, it is stated that the applicant was armed with a stick and in the statement of the witnesses, it is stated that he was armed with iron rod. This variance is of little significance at this prima stage. First Information Report is not

encyclopedia of events. Considering the seriousness of the offence and involvement of applicant, I am not inclined to release the applicant on bail. Hence the following order:-

ORDER

Application is rejected.

(M. G. SEWLIKAR)
Judge

dyb