

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

**921 BAIL APPLICATION NO.1677 OF 2021
WITH APPLN/404/2022**

**TULSHIRAM NATHA KHANDEKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicants : Mr. A.B. Girase h/f. Salunke Parth Surendra
APP for Respondents/State : Mr. S.B. Narwade
Advocate for Applicant in Appln/404/22: Mr. Somnath Ladda
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**CORAM : M.G. SEWLIKAR, J.
DATE : 2nd February, 2022**

PC.:-

By this application, the applicant is seeking his release on bail in connection with Crime No.288/2021 registered with Karmad Police Station, District Aurangabad under Section 307, 326, 324, 323, 143, 147, 149, 504, 506 of the I.P.C.

2. It is alleged in the FIR that on 6th July, 2021 at 8.30 am informant was erecting wire fencing on his land block no.49. At that time applicant came there and objected to it. When the informant finished his work and was returning home, applicant along with his two sons by the name of Shivnath and Bharat assaulted informant by means of stick and axe. He was assaulted on his both arms, legs, elbow, back and also on head. Accused Bharat

delivered a blow of stick on the head of the informant, accused Shivnath delivered a blow of axe on the right arm of Prakash. On these allegations FIR came to lodged under the aforesaid sections.

3. Heard Shri Girase learned counsel for the applicant, Shri Narwade learned APP for the State and Shri Ladda learned counsel for the informant.

4. Charge-sheet is filed. In the statement recorded under Section 164 of the Cr.P.C. accused Shivnath is alleged to have delivered a blow of axe on the head of Akash. This shows that applicant has not delivered the blow on the head of the injured Akash. Learned APP was called upon to take instructions about the general health condition of the injured-Akash. It appears that the injured Akash was operated for Craniotomy at Sasoon Hospital, Pune. It further appears that no further complications in health are reported. Learned counsel Shri Ladda submits that the injured is not in a position to walk because of the injuries he sustained. However, no medical certificate is produced on record to buttress his contention. Applicant is behind the bars since 31st August, 2021. There is no possibility of conversion of the offence into a more serious one since charge-sheet is filed. Applicant has no criminal antecedents. Having regard to this, 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.50,000/- with one solvent surety in the like amount, in connection with Crime No.288/2021 under Section 307, 326, 324, 323, 143, 147, 149, 504, 506 of the I.P.C. with Karmad Police Station, District Aurangabad on condition that he shall not tamper the prosecution evidence and shall not enter village Demni, Tq. & Dist. Aurangabad till the conclusion of the trial.
- III) Application for assist to APP is also disposed of.
- IV) These observations are made only for the disposal of this application and the learned trial Court shall not get influenced by these observations and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]