

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

921 BAIL APPLICATION NO. 1691 OF 2021

1. Pandit S/o Pandurang Hirdekar
Age – 45 years, Occu. - Business,
2. Kiran S/o Pandit Hirdekar
Age – 21 years, Occu. - Student,
3. Vaibhav S/o Pandit Hirdekar
Age – 25 years, Occu. - Business,

All R/o. Mahalgaon, Tq. Vaijapur,
Dist. Aurangabad.

... APPLICANT
(Original accused)

VERSUS

The State of Maharashtra,
Through the Police Officer,
Virgaon Police Station, (Aurangabad Rural)
Virgaon, Tq. Vaijapur, Dist. Aurangabad.. ... RESPONDENT

Shri. P. P. More, Advocate h/f Shri. G. C. Navandar, Advocate
for the applicants
Shri. A. V. Deshmukh, APP for the respondent/State

CORAM : M. G. SEWLIKAR, J.
DATED : 11th January, 2022

PER COURT :-

1. Heard.
2. Applicant is alleged to have caused grievous

injury i.e. fracture to his right hand and an injury on head in a quarrel on 16th November, 2021 at 7.00 p.m. It is alleged that applicant No. 3 Vaibhav Pandit Hirdekar dealt a blow of iron rod on the head of the informant. He was fallen down by the applicants and he was subjected to beating with kicks and fist blows. On these allegations FIR came to be lodged under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code vide Crime No. 0197 of 2021.

3. I have heard Shri. More, learned counsel for the applicants and Shri. Deshmukh, learned APP for the respondent/State.

4. On perusal of the investigation papers, it is seen that the injury which the informant has suffered was fracture to the right hand. It is a grievous injury. Medical certificate also shows that informant had injury on head which was simple in nature. The tenor of the FIR shows that the informant was referred to the Ghati Hospital, Aurangabad but he did not go to Aurangabad and went to lodge the report in the Police Station. However, the statement in the

FIR is belied by the medical certificate. Medical certificate does not indicate that informant was referred to the higher centre. Informant was not hospitalized. He had a simple injury on head. Soon after the incident he went to the Police Station and lodged the report. Considering the nature of the injury, I am inclined to release the applicants on bail. Applicants have no criminal antecedents. They have permanent residence at Mahalgaon, Tq. Vaijapur, Dist. Aurangabad. No extra ordinary circumstance is brought on record to deny bail to the applicatns. In view of this, following order is passed

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 0197 of 2021 under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code registered with Virgaon Police Station, Dist. Aurangabad, on condition that they shall not interfere in the

investigation and shall attend the police station once in a week i.e. on Wednesday between 12 p.m. and 3 p.m. till filing of the charge-sheet.

3. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

4. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp