

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1713 OF 2021

Pritam S/o Maroti Ade

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. S. Kulkarni, Advocate for the applicant.

Mr. A. V. Deshmukh, APP for respondent/State.

Mr. S. S. Panale, Advocate for the informant.

**CORAM : M.G. Sewlikar, J.**

**DATE : 14<sup>th</sup> MARCH, 2022.**

PER COURT :

1. Heard.

2. Applicant and the informant are the cousins interse. They do not see eye to eye with each other. On 25<sup>th</sup> August, 2021, at 3.00 to 3.30 am, informant came out of the house for urination. At that time he saw the applicant sitting near a hotel in Sawarkar Chowk. It appeared that he was drunk. Informant asked the applicant as to why he was sitting there at the odd hours of the night. Thereafter, altercation followed between the applicant and the informant. At that very moment, informant received a call from his

mother. He told his mother that the applicant was abusing him. The mother of the informant came out and she was taking the informant towards the house. At that time, applicant took out a knife and stabbed into the chest and thigh of the informant. On hearing commotion, another cousin Santosh Rathod and brother-in-law Prabhu Rathod came there. The applicant ran away from the spot of the incident on seeing them. The informant fell unconscious. When he regained consciousness, he found himself in Udaygiri Hospital, Udgir. On these allegations, First Information Report came to be lodged against the applicant for the offence punishable under Sections 307, 504 and 506 of the Indian Penal Code.

3. Shri Kulkarni, learned counsel for the applicant, submits that, infact, the informant had assaulted the applicant. There was a fight between the applicant and the informant. He submits that the applicant is living at Mumbai and is pursuing his career in Hotel Management. He further submits that applicant had come to the village and it was the informant who had initiated the quarrel. He submits that the applicant also sustained injuries. In support of his contention, he has placed on record medical certificate dated 25<sup>th</sup> August, 2021. He further submits that the applicant has also filed

First Information Report against the informant. He further submits that the informant and the applicant have entered into a compromise. He further submits that if the applicant is released on bail, he will not enter Taluka Udgir, till the conclusion of the trial. He, therefore, seeks release of the applicant on bail.

4. Learned APP Shri Deshmukh and Shri Panale, learned counsel for the informant submit that the informant sustained grievous injury in the abdomen. He fell unconscious and regained consciousness only after admission in the hospital. They further submit that the offence being serious in nature, the applicant should not be released on bail. Both of them admit that the parties have entered into a compromise.

5. It appears that there was a fight between the applicant and the informant. Applicant sustained incised wound on his left hand dorsal near base of little finger. Other than this, he has four other wounds. It indicates that knife was used by the informant also during the incident. It also indicates that there was a free fight between the applicant and the informant. Having considered this, I am inclined to release the applicant on bail. Hence the following

order :-

**ORDER**

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount in connection with Crime No. 0349/2021 registered with Udgir Rural Police Station, Taluka Udgir, Distrist Latur, for the offence punishable under Sections 307, 504 and 506 of the Indian Penal Code, on condition that he shall not enter Taluka Udgir till the conclusion of the trial except the dates fixed during trial and the dates fixed during trial of any other case pending against him.
- iii) Application stands disposed of.
- iv) 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.

**( M. G. SEWLIKAR )**  
**Judge**

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 818 OF 2022 IN  
BAIL APPLICATION NO. 1713 OF 2021

Sunil Gopalrao Rathod

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. S. Panale, Advocate for the applicant.

Mr. A. V. Deshmukh, APP for respondent/State.

Mr. S. S. Kulkarni, Advocate for respondent No. 2.

**CORAM : M.G. Sewlikar, J.**

**DATE : 14<sup>th</sup> MARCH, 2022.**

**PER COURT :**

Application is allowed and stands disposed of.

**( M. G. SEWLIKAR )**  
**Judge**

dyb