

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3807 OF 2021

Vrushabh @ Guddya Sunil Gaikwad ...Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Ganesh Bhujbal for the Applicant.

Mr.N.B. Patil, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 10 MARCH 2022

P.C.

. By this Application, the Applicant is seeking bail in Crime No.1278 of 2020 of Chaturshrungi Police Station, Pune, under Section 307, 326, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The aforesaid crime is registered on the basis of the complaint lodged by Durga Nagnath Gaikwad who is the mother of the injured Akash Gaikwad. She claims that on 4 October 2020 at about 9.00 p.m. there was a minor quarrel between the children in her locality in which the injured Akash Gaikwad had intervened. On 7 October 2020 when the informant along with the injured were returning by a two wheeler at about 9.00 p.m. the Applicant and the co-accused assaulted Akash Gaikwad in

front of Sikandar Photo Studio by means of a sickle and fist and kick blows in which Akash Gaikwad was injured. On the basis of such a complaint an offence came to be registered and after investigation a charge-sheet is filed.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant submitted that the co-accused Sanket and Akshay having similar role have been released on bail by the learned Sessions Judge. It is submitted that there is no specific role of assault attributed by the informant and even the injured, in his initial statement. It is submitted that only in the supplementary statement recorded on 14 October 2020 he had attributed specific role to the Applicant and co-accused Akshay who has been released on bail.

5. It is submitted that the investigation is complete and the charge-sheet is filed and there is no justification for detention of the Applicant behind bars pending trial.

6. The learned Additional Public Prosecutor submitted that the injured had suffered grievous injuries including a fracture on the left parietal region. There is specific role attributed to the

Applicant in the supplementary statement of the injured dated 14 October 2020.

7. I have considered the submissions made. *Prima facie* it appears that apart from the injured, his mother who is the first informant and Mr.Ajay Nagtilak are the eye witnesses to the incident. The perusal of the supplementary statement dated 14 October 2020 of the injured shows that he had attributed specific role to the Applicant of an assault by a sickle (Koyta) on the head.

8. The injury report from Sasoon General Hospital, Pune shows in all nine injuries, two out of which are shown to be grievous in nature caused by a sharp weapon. The said report also shows a fracture in the left parietal region. Looking to the nature of the injuries, including on the vital part and the weapon used, it cannot *prima facie* be accepted, that there was no intention to commit murder. The offence is serious. No case for grant of bail is made out. The Criminal Application stands rejected.

C.V. BHADANG, J.