

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.4303 OF 2021

Kailas Hiranman Dombale

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prashant S. Hagare, Advocate for applicant.

Ms.PN.Dabholkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th October 2022

PC :

1. The applicant is arrested on 2nd August 2021 in CR No.280 of 2021 registered with Vadgaon Nimbalkar Police Station, Taluka Baramati, District Pune for offences under Sections 307, 324, 504, 506 r/w 34 of Indian Penal Code. The FIR was registered on 30th July 2021.

2. The complainant has alleged that on 30th July 2021 the wife of applicant was advised by the complainant and his wife that she should not throw waste in front of their house. There was exchange of abuses between them. At that point of time the applicant came there. He went inside house and brought axe and with an intention to kill gave blow on the neck of the injured. The injured tried to evade the blow, which resulted in injury to his shoulder. The investigation proceeded. Charge sheet is filed.

3. The applicant is in custody from 2nd August 2021. Investigation is complete. The contention of the counsel for applicant is that single injury was suffered by the complainant in the

nature of deep bleeding to the extent of approximately 12cm x 5cm and 4.5 cm deep.

4. Learned APP submitted that from the statements of complainant and other witnesses it is clear that there was intention to kill the injured and with that intention the axe was brought by applicant and he tried to give blow on the neck. On account of the the blow by axe the injury was caused on the shoulder. Offence u/s.307 was made out.

5. The applicant is in custody for a period of about one year. The complainant as suffered CLW over shoulder. Further detention of applicant is not necessary.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.280 of 2021 registered with Vadgaon Nikbalkar Police Station on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks;
- (iv) The applicant shall stay away from the residence of complainant till further orders;
- (v) The applicant shall not tamper with the evidence.

(PRAKASH D. NAIK, J.)