

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

BAIL APPLICATION NO.1254 OF 2023

**SAMBHAJI SITARAM GHUGE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 07, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.49 of 2023 registered with Yusufwadgaon Police Station, District Beed for the offence punishable under Sections 307, 326, 324, 323, 504 r/w 34 of the Indian Penal Code.
3. Learned counsel for the applicant has vehemently argued that the role attributed to the applicant was not aggressive. One of the injured namely Rukmini has simple injury. There were no allegations of assault on the vital part of the body. The investigation has been completed. As far as the injuries of Dattatraya, there are two certificates. The civil suit was filed by the family of the applicant.

Considering the weapons allegedly used in the crime, the injured should have suffered more severe injuries. That goes to show that the applicant had no intention to kill the injured. There are no antecedents to the discredit of the applicant. It was a quarrel arising out of the property for which the civil suit was pending. Hence, he may be granted bail.

4. Learned APP would submit that the applicant was most aggressive. He assaulted the injured mercilessly. Serious injuries of breaking the bone before the knee were suffered. The nature of the injuries shows the aggression of the applicant. He referred to the medical certificates. He also argued that there is possibility of severe offence in near future, if the bail is granted to the applicant. He referred to the photographs of the injuries suffered to Dattatraya.

5. Perused the charge sheet. It has been alleged against the applicant that he assaulted both injured. He was holding sickle. The injured suffered grave injuries. The photographs placed on record reflects the nature of injuries. Those were grievous. The bone below knee was broken. Various other serious injuries were on the body of the injured Dattatraya. The nature of the injuries reflects the force applied by the applicant which is prima facie sufficient to infer the intention of the applicant.

(3)

6. Considering the facts and injuries suffered by the injured along with the role attributed to the applicant, it is not desirable to admit the applicant on bail. Hence, the application stands dismissed.

(S.G. MEHARE, J.)