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

BAIL APPLICATION NO.1507 OF 2023

Shantaram Genu Shinde ... Applicant
V/s.
The State of Maharashtra ... Respondent

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Mr. Kishor Ajetroa, for the Applicant.

Mr. Amit A Palkar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 11, 2023

P.C.:

1. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, (for short 'Cr.P.C.') in connection with C.R. No.1 of 2023 registered with Mahad M.I.D.C. police station, Raigad for offences punishable under Sections 307, 324, 452, 504, 506 r/w 34 of the Indian Penal Code (for short 'IPC').

2. The prosecution case is as under:

There was disputes going on between complainant and accused regarding their ancestral properties. On 02 January 2023 at about 12:30 pm, the complainant was sitting on stairs in front of her house and applicant/accused arrived there. Thereafter, accused started abusing complainant for transferring her property in favour of applicant/accused. It is alleged that the complainant denied for transfer of properties

in the name of applicant, therefore the accused got angered. Thereafter, with intention to cause death applicant assaulted the complainant by use of sickle (koyta). Due to the said attack the complainant suffered with grievous injuries. Therefore, she lodged report against the accused.

3. The investigating agency carried out investigation and after completion of investigation filed charge sheet against applicant/accused.

4. The applicant filed application under Section 439 of Cr.P.C. seeking bail before learned Sessions Judge, which came to be rejected by order dated 28 March 2023.

5. On perusal of the charge sheet, injury certificate and other material on record, it appears that though the applicant assaulted the informant with sickle, consequent injuries suffered by the informant are simple injuries. The description of the injuries in injury certificate is as under:

(i) CLW on left frontal side – bone deep, admeasuring 3 inches X 2 c.m.;

(ii) CLW on left ear pinna – bone deep, admeasuring 2 inches X 1 c.m.;

(iii) CLW at side of scalp behind left ear – bone deep, admeasuring 2 X 1 c.m.;

(iv) CLW on left fronto parietal area – bone deep.

6. Considering the injuries suffered by the informant, though

weapon used i.e. sickle, *prima facie*, it appears that the applicant has made out a case for grant of bail for offence under Section 307 of IPC. Of course, it is for the Trial Court to decide during trial about the applicability of provisions of IPC depending upon truth. Hence, following order :

- a) The application is allowed.
- b) The applicant Shantaram Genu Shinde be released on bail in connection with C.R. No.1 of 2023 registered with Mahad M.I.D.C. police station, Raigad for offences punishable under Sections 307, 324, 452, 504, 506 r/w 34 of IPC, on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.
- c) The applicant shall mark his attendance with the concern police station on first Saturday of each month between between 11:00 am to 2:00 pm till conclusion of trial.
- d) The applicant shall remain present before the trial Court on each date unless specifically exempted by the Trial Court.
- e) The applicant shall not directly or indirectly make any inducement, threat or promise to victim and any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court.
- f) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the

investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.

7. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)