

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

CRIMINAL BAIL APPLICATION NO. 1622 OF 2024

Akshay Shantaram Deokate

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Ranjit Pawar for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 24 APRIL 2024

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.56 of 2024 registered at Bhigwan Police Station, Pune, on 11.02.2024, under sections 307, 324, 327, 143, 147 and 149 of the Indian Penal Code.

2. Heard Mr. Ranjit Pawar, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The applicant was arrested on 20.03.2024 and since then he is in custody. The investigation is not yet over and the charge-sheet is not yet filed.

4. The F.I.R. is lodged by one Nadeem Qureshi. He has stated that, he used to buy animals from the farmers and used to sell them in the market. On 10.02.2024, he along with his nephew Sahil was taking the animals, purchased by him from Indapur, to Mhasobachi wadi. At about 2:00p.m. when they were keeping the animals in the pick-up van, the present applicant who was known to him and four other companions came there. They questioned the informant and started assaulting the informant and his nephew Sahil. Out of them, Gaurav Tingre assaulted the informant with a sickle on his shoulder, left hand and head. The informant's other nephew Arbaj ran away. The applicant and others continued assaulting him. The F.I.R. mentions that, one person wearing white T-shirt assaulted the informant with stone. His companion wearing black T-shirt gave a blow with sickle on Sahil's back side. While this was going on, the police officers came at the spot. The accused ran away. While going, they took Rs.50000/- which were carried by the informant. They took away his gold ring and the informant's nephew's motorcycle. The informant was first taken to Desai Hospital at Lasurne and then to Gavade Hospital. Then this

F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the applicant was not carrying any weapon. He had not assaulted with any weapon. The main allegations are made against the person wearing white T-shirt and one Tingre who had used the sickle. The applicant is in custody since more than a month. His further custody is not required for the purpose of investigation. Considering the lesser role played by him, he may be released on bail. Learned counsel submitted that the injury certificate did not show that it was a grievous injury.

6. Learned APP opposed these submissions. She produced the investigation papers before me. She relied on the statement of the first informant and his two nephews. She submitted that the applicant had brought all the accused at the spot, therefore, he cannot shirk from his responsibility of assault on the informant. The medical certificate mentions injury as simple injury, however, the medical papers show that there was 'mild cerebral edema' and, therefore, it was serious.

7. I have considered these submissions. The medical certificate shows that the informant had suffered three injuries. First was an incised wound, the second was C.L.W. and the third was contusion. All these injuries are described as simple injuries. However, there is force in the submissions of the learned APP that, since there was cerebral edema Section 307 of the I.P.C. is rightly applied. Be that as it may, the fact remains that the applicant himself had not used any weapon and that the head injury is attributed to the person wearing a white T-shirt. At this stage, some leniency, therefore, can be shown to the applicant. The investigation papers included supplementary statement of the informant and the statements of the two eye witnesses i.e. Sahil and Arbaj; who are nephews of the first informant. They have supported the informant's case and their narration is almost similar.

8. Considering all these aspects and particularly, when the applicant had not used any weapon, though, he can be prosecuted U/s.149 of the I.P.C.; for the purposes of granting bail, some leniency can be shown to him. The applicant is already in

custody since 20.03.2024. His further custody for investigation purposes is not necessary.

9. Hence, the following order :

ORDER

- i) In connection with C.R.No.56 of 2024 registered at Bhigwan Police Station, Pune, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)