

**Order below Exh.1 in Cri. Bail Application No.130/2022.**

[ Vilas Subhash Khairnar Vs. State ]

The present application is moved by the applicant-accused Vilas Subhash Khairnar for bail in connection with CR No.11/2022 registered with Deola Police Station for the offence under section 326 r.w.s.34 of the Indian Penal Code. It is stated that applicant-accused has assaulted the first informant Chintaman Gatlu Khairnar, aged 45 R/o. Dhingdishwar shivar, Girnare, Tal. Deola, Dist. Nashik in night between 12.1.2022 to 13.1.2022 by an axe. The bail application is already rejected by the trial court.

2. It is stated in the application that there is dispute between the parties and on suspicion he is implicating in present case. He was present in Samarth Hospital, due to ill-health of his mother and therefore, submitted that applicant-accused be released on bail.

3. Application is opposed by the State. I.O. is present and produced the documents pertaining the investigation.

4. Heard both the parties. Perused the record.

5. The learned counsel Shri. A.R. Sharma submitted that accused has been implicated on suspicion. There is no eye witness to the incident. The land dispute is going on between the parties and civil dispute is pending between them. He submitted that applicant-accused is ready to abide the conditions laid down by this court. Hence, prayed to allow the application.

6. The learned APP submitted that medical certificate is placed on record and pointed the injuries suffered by the first

informant and also submitted that the investigation is in progress and applicants-accused and first informant are closed relatives of each other. There is threat to the life of the injured i.e. first informant and therefore, prayed application may be rejected.

7. On perusal of the record, it appears that alleged assault took place in between 12.1.2022 to 13.1.2022 in night when first informant was sleeping in tin shed in the court yard of his house and all of sudden he was assaulted by a sharp weapon. He raised cry, his mother was also raised cry and when his mother came out of the house and saw the first informant was deadly assaulted and the name of present applicant-accused is mentioned as suspects in the FIR. Record further shows that injured has sustained multiple fracture injuries as mentioned in the CT Scan report are as under:

- Displaced fracture bilateral nasal bones,*
- Mildly displaced fracture nasal septum*
- Comminuted displaced fracture anterior, medial & lateral walls of right maxillary sinus*
- Fracture medial & anterior walls of left maxillary sinus*
- Fracture medial & lateral pterygoid processes on right side & fracture left lateral pterygoid process.*
- Comminuted fracture alveolus of maxilla on right side.*
- Comminuted displaced fracture medial walls of bilateral orbits.*
- Medially displaced fracture fragments are seen indenting the preseptal space.*
- Bilateral ethmoid, maxillary & left sphenoid hem sinus*
- Suspicion of hairline fracture of cribriform plate*
- Air foci seen in frontal subgaleal soft tissue, Mild frontal subgaleal hemoatoma.*
- Air foci seen in bilateral pre maxillary regions*
- Soft tissue hematoma in bilateral pre maxillary regions.*
- Bilateral peri orbital soft tissue hematoma with pneumo orbit.*

8. From the nature of the injuries it appears that first informant was deadly assaulted particularly on the facial area and

thereby sustained fracture his nasal bone. The medical certificate is produced on record issued by Dr. Suraj Patil. He has mentioned that all injuries are grievous and dangerous to the life. Thus, considering the nature that applicant-accused allegedly inflicted lethal blow on the first informant, who was sleeping in the house by an axe. The injured to save his life raised cry and his mother also raised alarm and the accused successfully ran away from the spot. Police papers further shows that the accused came to be arrested with the help of dog squad, when the applicant-accused left his gloves on the way after lethal blow to the injured. The another fact that there is previous enmity between the parties, civil litigations going on, there are chances that accused may repeat the crime cannot be ruled out and therefore, I am not inclined to grant bail to the applicant-accused. Hence, following order.

**ORDER**

- i) Bail application No.130/2022 is hereby rejected.
- ii) Informed to all concerned accordingly.

Date- 02.02.2022

( M. A. Shinde )  
Additional Sessions Judge-8,  
Nashik.