

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram,	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 882 OF 2015

KISAN S/O BHIURAJ JAGTAP & ANR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Patne Santosh N.
APP for Respondent: Mr. M. M. Nerlikar.
Advocate to assist APP: Mr. S. S. Panhale.

CORAM: T. V. NALAWADE, J.
DATED: 3rd MARCH, 2015.

PER COURT:

1. This application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation. Learned counsel Mr. S. S. Panhale is allowed to assist learned A.P.P.
2. The crime is registered on the basis of report given by one Shivaji Gore. He has a dispute over the boundry of agricultural land with Bhiuraj Jagtap. It appears that one side was attempting to take measurement of the land and the quarrel took place, due to this dispute. It is contended that on 25th October, 2014 at about 10.00 a.m. due to this dispute the two applicants and other four accused formed

unlawful assembly and they assaulted complainant by using axe, stick and stones. Allegations are made, deceased Vinayak Hanmanthrao Jagtap was assaulted by other 3 accused by using stick. This incident was witnessed by many. Vinayak succumbed to the injuries. The injury certificate in respect of Vinayak shows that he sustained 3 injuries to his head, there was a fracture of skull bone and the death took place due to head injury.

3. Allegations are made against the present applicant Kisan Jagtap and Suryabhan Jagtap are that they assaulted complainant Shivaji Gore. He sustained CLW over forehead, contusion over back and contusion over right thigh. The three injuries are described as simple injuries. There are injury certificates of Abhang Jagtap and Nivrutti Jagtap, and showing injury like abrasion and contusion. Nivrutti had sustained fracture of left hand but he was not assaulted by the present applicants.

4. The applicants are behind bars since 25th October, 2014. Submissions made show that the case is already committed to the Court of Sessions. In view of the above circumstances, the nature of injuries caused and the weapons allegedly used by the present applicants, this Court holds that it is not desirable to keep the applicants behind bars till disposal of the case.

5 In the result, the application is allowed. The applicants

are to be released on bail on their furnishing P.R. and S.B. of Rs. 15,000/- by each of them. They are not to tamper with the prosecution witnesses. They are not to commit similar offence.

6. The Criminal Application filed seeking permission to assist learned A.P.P. is allowed. It be given separate number and it is to be treated as allowed and disposed of.

[T. V. NALAWADE, J.]

Dt.03/03/2015
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