

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3146 OF 2015**[Someshwar s/o Pandit More and another Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri V.D.Salunke, advocate for applicants
Shri U.S.Mote, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 10th July, 2015****PER COURT :-**

1] This is an application for bail. The applicants are arrested in connection with Crime No. 32 of 2015, registered at Wadwani police station, District Beed, for the offences punishable under Sections 307, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.

2] Heard Shri V.D.Salunke, learned counsel for applicants and Shri U.S.Mote, learned Additional Public Prosecutor for the respondent/State.

3] The first information report is lodged by Ashok Kolape, who is injured. From the first information report, it is clear that the first informant and applicant Someshwar Pandit More are having their agricultural lands adjacent to each other. The dispute in respect of measurement and the area of the said agricultural land was going on in between them.

According to the first information report, on 9.5.2015, when the first informant was working in his agricultural field, that time applicant Someshwar Pandit More, applicant Chakradhar Someshwar More along with Balu Bhikaji Kolape, Dnyanoba Bhikaji Kolape and Ahsok Bhikaji Kolape

came near him and picked up a quarrel. In that quarrel, it is alleged that the applicant Someshwar gave axe blow on his head, whereas applicant Chakradhar gave iron rod blow on his head. It is alleged, that time another accused Balu gave stick blow on his hand; whereas accused Dnyanoba assaulted him on his both legs by means of chain. The allegation against other accused Ashok was that he gave kick and fist blows.

4] The applicants were arrested and they were in the police custody remand. When they were in police custody remand, the weapons are already recovered on their discovery. The statements of witnesses are also recorded.

5] Learned Additional Public Prosecutor has made available to me the injury certificate of Ashok. The injury certificate discloses that Ashok was having two injuries, one head injury contused lacerated wound 5 x 5 x 1 cm. and another contusion on the elbow. According to the doctor, who has examined him, found that both the injuries were simple in nature.

6] The applicants are in jail from 20.5.2015. They were already in the police custody remand and the weapons are already seized from them. The injury certificates show that the injuries suffered by injured were simple in nature. There is no possibility that the offence being converted into more graver one. In view of the fact that the investigation is almost over, the learned Additional Public Prosecutor submitted that conditions may be imposed upon the applicants. That leads me to pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicants No.1-Someshwar s/o Pandit More and No.2-Chakradhar s/o Someshwar More, be released on bail, in connection with Crime No.

32 of 2015, registered at Wadwani police station, District Beed, for the offences punishable under Sections 307, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, on they each executing P.R. Bond of Rs.15,000/- with two solvent sureties in the like amount by each of them.

(iii) Applicants No.1-Someshwar and No.2-Chakradhar shall attend police station Wadwani, District Beed twice a week, preferably on every Sunday and Tuesday in between 3.00 p.m. to 5.00 p.m. till charge sheet is filed.

(iv) After filing of the charge sheet, the applicant nos. 1 and 2 shall attend the concerned police station once in a fortnight, preferably on every Sunday in between 3.00 p.m. to 5.00 p.m. till charge is framed.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

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