

Anand

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

BAIL APPLICATION NO.1690 OF 2015

1. Dhanaji Tanaji Thombre .Applicants
2. Shivaji Bapurao Thombre
3. Dada alias Dashrath Tanaji Thombre
4. Balu Shivaji Thombre

v/s.

The State of Maharashtra .Respondent

Mr.Niranjan Mundargi i/b. Mr.L.R.Shahapur,
Advocate, for the Applicants
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 15.09.2015

P.C.

. Heard learned counsel for the
applicants and the learned APP for the
respondent – State.

2. By this application, the applicants
seek their enlargement on bail in connection
with C.R.No.134 of 2015 registered with the

Lonand Police Station, Satara, for the alleged offences punishable under Sections 143, 147, 148, 149, 307, 504 & 506 of the Indian Penal Code, 1870.

3. At the outset, learned Counsel for the applicants does not press the application qua applicant Nos.1 & 2 i.e. Dhanaji and Shivaji. He submits that the applicant Nos.1 & 2 will file an application for regular bail, after filing of the charge sheet. As far as applicant Nos.3 & 4 are concerned, learned counsel submits that the nature of allegations as against them, are identical to that of other two co-accused who have been enlarged on bail.

4. The incident has taken place on 12.07.2015 at about 5.00 p.m. The complainant is the brother of the injured Dilip Thombre. It is alleged by the prosecution, that both, the

complainant and the injured Dilip Thombre have stated that the applicant Nos.1 & 2 assaulted Dilip with an axe on his head and that rest of the accused abused and assaulted Dilip with wooden sticks.

5. Perused the injury certificate. The injury certificate shows that the injured Dilip has received two injuries on the occipital/parietal region. No other injuries, apart from the aforesaid injuries were found on the person of the injured.

6. Considering the nature of allegations qua the applicant Nos.3 & 4, the Application is partly allowed on the following terms and conditions:

ORDER

(i) As far as the applicant Nos.1 & 2 are concerned, the application is not pressed qua

them. The applicant Nos.1 & 2 are at liberty to file an application for bail before the appropriate Court after filing of the charge-sheet;

(ii) The applicant Nos.3 & 4 be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount;

(iii) The applicant Nos.3 & 4 shall attend the Lonand Police Station, Satara on every Saturday between 10:00 a.m. to 11:00 a.m. till the filing of the charge-sheet;

(iv) The applicant Nos.3 & 4 shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant Nos.3 & 4 shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details,

if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant Nos.3 & 4 to cooperate with the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

7. The Application is partly allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the
authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.