

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.408 OF 2015

Sarjerao Devappa Hande & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mrs.Prabha badadare i/b Omkar G. Nagwekar for the Applicant
Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 18, 2015**

P.C.:

1. The application is moved for regular bail facing charges under sections 394, 326, 324, 452, 143, 147, 149, 509, 323, 504 and 506 of the Indian Penal Code. The incident of assault and robbery has taken place on the morning of 1.2.2015. As per the information given by one Ananda, the offence was registered at C.R. No.15 of 2015 with Hupari police station, Kolhapur. It is the case of the prosecution that on 1.2.2015, in the morning at 9am, the applicants/accused came to the house of one Babasaheb armed with sticks, axe and sickle and they started assaulting the complainant with axe, sickle and sticks. The applicants/accused abused one female, who is a witness and one of the accused, Sarjerao, took away 3kg. impure silver. Accused Nos.1, 2 and 3 are in custody

since 1.2.2015 and the accused Nos.4 to 7 are inside the jail from 2.2.2015.

2. The learned Counsel for the applicants/accused submitted that there are cross cases filed between the applicants/accused and the complainant. She pointed out that Yashwant Mudhale, the accused No.3, has given information to the police on the same day, which is registered at C.R. No.16 of 2015 at Hupari police station, Kolhapur against the informant Ananda Laxman Vadar and his other 3 associates. There was a free fight between the two groups. She submitted that the informant and his associates were aggressive and they had encroached upon the land of the applicants/accused and the complainant and his associates took away from the applicants/accused cash of Rs.7,000/-, a 25 gms gold chain, and also abused them. She submitted that they are to be released on bail.

3. The learned Prosecutor has opposed the application. He submitted that the applicants/accused have assaulted the complainant and the other members of the family of the complainant with deadly weapons and, therefore, the application is to be rejected.

4. There is a cross case and there was a fight between the two groups of one community as there was a dispute in respect of the land. Perused the medical certificate of the informant Ananda which shows that there are 3 simple injuries. No grievous injury is sustained by any of the witnesses.

In view of this, the applicants/accused are released on bail on the following terms:

- i) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/- each, with one or two solvent sureties in the like amount;
 - ii) The applicants shall not tamper with the evidence;
 - iii) The applicants shall not indulge into any kind of offence while on bail. If any offence is committed, then the bail will be cancelled forthwith;
 - iv) The applicants shall not abscond or jump the bail;
 - v) The applicants shall cooperate with the Investigating Officer and attend the concerned police station on every Monday and every Friday, between 6pm to 7pm, till the filing of chargesheet
5. Bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)