

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.494 OF 2015**

Shri Yogesh Subhash Misal & Anr.

....Applicants.

Versus

The State of Maharashtra

...Respondents.

Mr. Rupesh Atul Zade, advocates for the Applicants.

Mrs. R.V.Newton, APP for the respondent-State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATED : March 20, 2015.

P.C.:

Application is moved for bail by the applicants-accused who are facing charges under Section 307, 342, 504, 506 read with Section 34 of the IPC as the offence is registered at the instance of Nikhil Kharade on 27.12.2014 and FIR was registered vide C.R.No.430 of 2014 at Indapur Police Station, Pune (Gramin).

2 It is the case of the prosecution that the applicants-accused and the complainant both are resident of one village. There was dispute between the applicants and the complainant and his family members. Relations between both the groups were hostile on account of some

previous dispute. On 27.12.2014, the applicants-accused along with co-accused called complainant at their residence and thereafter they assaulted the complainant. At that time, both the applicants accused were armed with weapons like sword and sickle when the complainant started shouting, people in the vicinity gathered and he was saved. Thereafter the applicant-accused were arrested.

3 The learned counsel for the applicant submitted that the applicants-accused are innocent. There is a cross complaint lodged by one of the accused Pankaj Misal against the complainant and his associates, which is registered as C.R.No.431 of 2014 at Indapur Police Station, Pune Gramin on the same day i.e. 27.12.2014 for the offences punishable under Sections 147,148,149,143, 324, 452 and 506 of the IPC and under Sections 3(1)(10) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

4 The learned prosecutor opposed the bail application. She produced injury certificate of Nikhil, who is the complainant. She submitted that there is one case registered against the applicant-accused.

5 Perused the FIR and the papers so also injury certificate of Nikhil. It discloses that there was grievous hurt so also fracture of ulna. Prima-facie, it shows that applicant-accused were armed with weapon. Whether applicants-accused were injured or not is not shown to this Court. Hence, application for bail is rejected.

6 The learned counsel submits that the police are investigating offence and he be given liberty to file second bail application before the Sessions Court. Such liberty is always there.

(MRS.MRIDULA BHATKAR, J.)