

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.541 OF 2015

Laxman Shantaram Bawate & Ors. ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.U.B. Nighot for the Applicants
Mr.Arfa Sait, APP, for Respondent – State

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

DATE: **APRIL 13, 2015**

P.C.:

1. This application is moved for bail as the applicants/accused are prosecuted under sections 302, 143, 147, 148, 149, 144, 447, 323, 324, 504 and 506 of the Indian Penal Code. The crime is registered at C.R. No.130 of 2014 with the Junnar police station, Pune. The incident of assault has taken place on 30.10.2014 in the field of the informant Yashwant Radhe when all were present. The applicants/accused arrived there with sticks and they questioned them as to why they had encroached on their field and taking the paddy crop. There was altercation between the 2 groups. The applicants/accused and the co-accused assaulted Maruti Laxman Radhe, so also, Yeshwant Radhe, the complainant and one Rupa Radhe. They all were taken to hospital and treated there. Maruti Radhe succumbed to the injuries on 1.11.2014. The

information of assault was given on 31.10.2014 and subsequently, the charge under section 302 of the Indian Penal Code was added. All the accused were arrested and they are in jail since 31.10.2014. Hence, this bail application.

2. The learned Counsel for the applicants/accused submitted that though the names of the applicants/accused are mentioned as assailants in the FIR, they have not assaulted the deceased. They have not committed any offence. They are innocent and, therefore, bail be granted.

3. Learned Prosecutor while opposing the application has submitted that the applicants/accused arrived at the spot armed with weapons. It is a pre-meditated murder of Maruti. They all are facing charges under sections 143, 147, 146, 148, 149 of the Indian Penal Code. He submitted that there is one FIR registered against some of the applicants/accused of unlawful assembly and under sections 323 and 324.

4. On perusal of the FIR and the statements of the other witnesses and the injury certificates and the postmortem notes, it appears that though the names of the applicants/accused are mentioned in the FIR, no role is attributed to the applicants/accused of assaulting the deceased Maruti Radhe. As per the case of the prosecution, these 4 accused have

assaulted the injured persons and the injured have sustained simple injuries on their person. The applicants/accused do not have criminal antecedents.

5. Hence, in view the above, the bail application is allowed on the following conditions:

- i) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/- each, with one or two sureties in the like amount;
- ii) The applicants shall not pressurise any witnesses or tamper with the evidence;
- iii) The applicants shall not indulge into any kind of offence, while on bail;
- iv) The applicants shall attend on all the Court dates.
- v) Any breach of the above conditions, will entitle the prosecution to move the Court for cancellation of the bail forthwith.

6. Bail application is disposed of in the above terms.

(MRS.MRIDULA BHATKAR, J.)