

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.696 OF 2015
WITH
CRIMINAL APPLICATION NO.348 OF 2015**

Ajinkya Shivaji Gaikwad & Anr.	Applicants.
Versus	
The State of Maharashtra	...Respondent.

Mr. S.V.Kotwal i/by Mr. Manoj S. Mohite, advocates for the Applicants.
Mr. Arfan Sait, APP for the respondent-State.
Mr. Uday P. Warunjikar, advocate for the applicant/intervenor in Cri.APPP
No.348 of 2015.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : April 18, 2015.**

P.C.:

The application is moved for bail as the applicants-accused are son and father facing charges under Sections 307,326, 325, 341, 506(1), 143, 147, 148, 149 and 504 of the IPC in C.R.No.55 of 2015 registered at Loni Kalbhor Police Station District: Pune. The incident of assault has taken place on 19.2.2015 at around 9.30 a.m. One Hemant Prakash Gaikwad gave information to the police. There is a dispute between the cousins about the boundaries of the land on a petty issue using a particular access. The applicants-accused and the co-accused

assaulted the complainant and the injured persons with axe, iron rods, rubber pipes and sticks. Four persons got injured. Applicants-accused were arrested on the same day i.e. on 19.2.2015. Hence, this bail application.

2 The learned counsel for the applicants-accused submitted that the applicants-accused are innocent. They did not initiate assault. Role attributed to the applicants-accused is limited of mounting assault on the complainant. Injuries sustained by the complainant and the other injured persons are more of simple nature. He submitted that it was a sudden fight and not pre-meditated and he submitted that the applicant-accused no.1 is engaged and he was supposed to get married on 30.4.2015. However, due to this incident, marriage was postponed.

3 The learned prosecutor and the learned counsel for the intervenor-original complainant both opposed the bail application. The learned prosecutor relied upon the injury certificates of four injured persons. Certificates disclose that there were certain grievous injuries. He submitted that the applicants-accused are staying in the same village and there is apprehension that the witnesses may not come forward to give evidence. The learned counsel for the intervenor submitted that some other co-accused are absconding. One of the accused has tried to

pressurize witness. Specific role is attributed to the applicants-accused in the assault as they were holding rubber pipe and iron rod.

4 Perused the FIR and the statements of the witnesses produced by the prosecution. Perused injury certificates. It appears that it was sudden fight due altercations in the field. FIR and the statements disclose that the applicants-accused have not initiated the assault. They were arrested on the same day i.e. on 20.2.2015 and since then they are in the prison. In view of this, I am inclined to grant bail on the following terms and conditions:

i) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;

ii) The applicants shall not enter Talukas: Haveli and Purander for 15 days i.e. till 2.5.2015.

iii) Till filing of the charge-sheet, the applicants shall attend the concerned police station on every Saturday between 11 am to 12 noon.

- 5 Bail application, accordingly, stands disposed of.
- 6 Intervention application also stands disposed of.

(MRS.MRIDULA BHATKAR, J.)