

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.732 OF 2015**

Mr. Nilesh Dasharath Waghmare & Anr.	Applicants.
Versus	
The State of Maharashtra	...Respondents.

Mr. Gaurav Parkar, advocates for the Applicants.
Mr. S.S.Pednekar, APP for the respondent-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : April 29, 2015.**

P.C.:

Application is moved for bail as the applicants-accused, who are accused nos.1 and 3 in C.R.No.35 of 2015, which is registered at Khandeshwar police station, New Bombay at the instance of one Jagdish Lahu Waghmare on 14.3.2015. Applicant/accused no.1 was arrested on 26.3.2014 and the applicant-accused no.3 was arrested on 17.3.2015. It is the case of the prosecution that applicants-accused on 13.3.2015 assaulted the complainant and his family members. Applicant-accused no.1 Nilesh assaulted him with iron pipe and Sandeep assaulted him with iron rod. Complainant lost a tooth and his two teeth were loosened and thus, sustained grievous injury. In the assault, a gold chain was taken

away by other co-accused. Hence, offence was registered under Sections 395, 326, 143, 144, 147, 148, 504 and 506 IPC.

2 The learned counsel for the applicants-accused has submitted that applicants-accused were also assaulted by the complainant and members of his group on the same day. Applicants-accused and the complainant and his family members are hostile towards each other due to their political rivalry . He pointed out that the applicant-accused no.1 has given information to the police pursuant to which same police station registered offence at C.R.No.34 of 2015 under Sections 395, 326, 143, 144, 147, 148, 452, 504, 506 and 427 of the IPC and also under the Bombay Police Act.

3 The learned prosecutor opposed the application and submitted that the applicants-accused are residents of same vicinity and likely to indulge in further offences with the complainant.

4 Perused the FIR. Perused injury certificates of the complainant. There are cross complaints against each other. Considering the papers and the submissions made by the learned counsel for the applicant-accused , 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.15,000/- each, with one or two sureties in the like amount;
- ii) Applicants-accused not to pressurize the complainant or the witnesses.
- iii) Applicants-accused not to indulge into any criminal act in the village and not to enter jurisdiction of Khandeshwar police station for three months.
- iv) Breach of any conditions imposed by this Court would amount to cancellation of bail forthwith.

(MRS.MRIDULA BHATKAR, J.)