

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO. 759 OF 2015
WITH
CRIMINAL APPLICATION NO. 534 OF 2015 IN B.A. NO. 759 OF 2015**

1. Namdeo Tukaram Pandhare	
2. Pandurang Nanasaheb Dhaigude	... Applicants
Vs.	
The State of Maharashtra	... Respondent
And	
Dattatraya Tatoba Pandhare	... Applicant/Intervener.

Mr. Machhindra A. Patil, Advocate for the applicants.

Mr. J.H. Ramugade, APP for the State.

Mr. K.S. Patil i/b. Mrs. Suman Y. Lengare, Advocate for the applicant/intervener.

Mr. A.G. Gutal, H.C./1235, Sangola Police Station, Solapur.

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

DATE : **JULY 10, 2015**

P.C.:

This Application is moved for bail, as the applicants/accused are prosecuted for the offences punishable under sections 302, 307, 143, 147, 148, 149 of the Indian Penal Code, under section 3, 25 of Arms Act and section 135 of Bombay Police Act in C.R. No. 232 of 2014 registered with Sangola Police Station, Tal. Sangola, District Solapur.

2. One Dattatraya Tatoba Pandhare has given information to the police on 19th July, 2014 about the incident of assault. The complainant is a resident of Udanwadi and his cousins, who are accused and co-accused

are their neighbours. These two families have dispute over the land and cultivation of the land. On 19th July, 2014 when the complainant and his family members were levelling a portion of land, his cousins, i.e., accused and co-accused and their family members arrived there with weapons and told them not to level the land. After that, they started assaulting the complainant and his family members with iron pipes and fist blows. Co-accused Biru Namdeo was holding gun and threatened the complainant and his family of life and fired 4 to 5 times aiming at them. In that, Ujawala Pandhare, sister-in-law of the complainant died. Other persons sustained injuries. All the injured persons were taken to the hospital for treatment and thereafter an offence was registered. The applicants/accused were arrested on 21st July, 2014. Hence, this Bail Application.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are falsely implicated in the case, Injury certificates of the injured persons are not from the Government Hospital but they are from the Private Hospital. He further submitted that Ujjawala died due to fire arm injury and as per the allegations, these applicants/accused were holding iron pipes. The applicants do not have criminal antecedents and hence, they are to be released on bail.

4. Learned APP and learned counsel for the Intervener both opposed

the Application. They relied on the FIR, statement of injured witnesses, injury certificates and postmortem report of Ujjawala Pandhare. It is pointed out that Arjun Pandhare and Suman Pandhare got one fracture each due to assault from iron pipe and the applicants/accused were holding iron pipes. Hence, the applicants are not to be granted bail.

5. On perusal of the FIR, statement of injured persons, injury certificate and postmortem report, it is found that Ujjawala died due to puncture lacerated wounds. She received bullet injury in her chest and head. 6 to 7 persons were injured. Arjun Pandhare and Suman Pandhare have sustained one fracture each. Other injuries are simple in nature. The cause of death of Ujjawala is firearm injury. Undoubtedly, the applicants/accused were holding iron pipes and they have assaulted complainant and his family members. The statements of all the injured witnesses *prima facie* state these facts. However, the injury sustained by all the other injured persons are of simple in nature except Arjun and Suman who have sustained one fracture each. On query, it is informed that the applicants/accused have no criminal antecedents. Considering this, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- (i) The Application is allowed.

(ii) The applicants/accused shall be enlarged on bail upon furnishing P.R. Bond in a sum of Rs.30,000/- each with one or two sureties in the like amount.

(iii) The applicants shall not tamper with the evidence and shall not pressurize the witnesses.

(iv) The applicants shall not indulge into any criminal activity, while on bail.

(v) The applicants shall make themselves available and attend all the Court dates.

(vi) The applicants/accused shall not entered Village Udanwadi for one year.

(vi) The applicants/accused shall not abscond and furnish their address to the police along with address proof.

(vii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

(viii) The applicants shall not leave India without the prior permission of the Court.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)