

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1022 OF 2015

Lahu Nagu Waghmare & Ors.

... Applicants

Vs.

The State of Maharashtra

... Respondent

Mr. Akhilesh Dubey i/b. Law Counsellors, Advocate for the applicants.

Mr. D.P. Adsule, APP for the State.

Mr. V.B. Suryawanshi, P.S.I., Khandeshwar Police Station, Navi Mumbai present.

CORAM: **MRS.MRIDULA BHATKAR, J.**DATE : **JUNE 10, 2015**

P.C.:

This Application is moved for bail, as the applicants/accused are facing charges under sections 395, 326, 143, 144, 147, 148, 452, 504, 506, 427 of the Indian Penal Code and under sections 37(1) and 135 of Bombay Police Act in C.R. No. I-34 of 2015 at Khandeshwar Police Station, Navi Mumbai.

2. As per the case of the prosecution, the applicants/accused and his family members and co-accused are having family dispute on the ground of some political issues with their cousins. On 13th March, 2015 at night, the applicants/accused entered the office of Pritam Enterprises, which is run by the complainant, with iron rod and bricks and they assaulted the complainant and his family members. They took away nearly Rs.3,00,000/- forcibly from the office. Thereafter, the applicants/accused

were taken in custody on 5th April, 2015 and since then they are in prison. Hence, this Bail Application.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are falsely implicated due to political rivalry with their cousins. He pointed out that Jagdish Waghmare is one of the accused who has alleged cross-complaint against the complainant and his relatives, which is registered at C.R. No. I-35 of 2015 with Khandeshwar Police Station, Navi Mumbai. He submitted that the said case is also under sections 395, 326, 143, 147, 148 and also under section 135 of the Bombay Police Act. He submitted that those accused persons are granted bail. He submitted that the applicants/accused are relatives and they shall not indulged into any criminal activity with their cousins.

4. Learned APP opposed the Application. He pointed out that these applicants/accused have threatened the complainant and pressurize to take back the complaint. He relied on the statement of the witnesses.

5. Perused three injury certificates. The injury certificates disclose simple injuries on the person of the complainant and the injured persons. Cross complaints were registered by both the parties against each other. There is a political rivalry in the family. Considering this, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- i) Application is allowed.
- ii) The applicants/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs. 20,000/-, with one or two sureties in the like amount;
- iii) The applicants shall not tamper the witness and evidence of the prosecution;
- iv) The applicants shall not indulge into any kind of offence especially with the complainant and his relatives on any issue while on bail;
- v) The applicants shall make themselves available and attend all the Court dates.
- vi) The applicants/accused shall not abscond and shall furnish their addresses to the police along with address proof.
- vii) The applicants shall not leave India without the permission of the Court.
- viii) Breach of any of the conditions shall amount to cancellation of bail forthwith.

6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)