

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1068 OF 2015

Hanumant Ramchandra Vavre and Others	... Applicants
vs.	
The State of Maharashtra	... Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.789 OF 2015

Ramchandra Baba Vavre and Others	... Applicants
vs.	
The State of Maharashtra	... Respondent

Mr. Kuldeep Patil, for the Applicants.
Mrs. R.V. Newton, APP for Respondent – State.

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

DATE: **JUNE 17, 2015**

P.C.:

. Both the applications i.e. Bail Application No. 1068 of 2015 and Anticipatory Bail Application No. 789 of 2015 are taken together as the applicants/accused in both the applications are facing prosecution for the same offences punishable under Sections 326, 325, 324, 504, 506, 143, 147, 148, 149 and 427 of the Indian Penal Code in C.R. No. 64 of 2015 registered at Walchand Nagar police station, Indapur, Dist. Pune by the complainant Ramesh Waghmode.

2. It is the case of the prosecution that the family of the complainant Waghmode and the family of the applicants/accused Vavre has a dispute over the land and access from the said land. The civil litigation is going-on between the parties before Indapur Court. However, on 8th May, 2015 both the parties had free fight and the members of both the families have assaulted each other. As per the case of the prosecution, the applicants/accused have assaulted the complainant and his family members with iron rod and sticks. The complainant and his family members were injured and four persons suffered fractures and hence this complaint.

3. The learned counsel for the applicants/accused informed this Court that the offence is registered pursuant to the complaint filed by one Ramesh Waghmode against the applicants/accused in Bail Application No. 1068 of 2015 and against the applicants/accused in Anticipatory Bail Application No. 789 of 2015 and other 10-15 persons. It is submitted that the applicants/accused Hanumant Vavre, Ramesh Vavre, Sanjay Vavre and Jaywant Vavre were arrested immediately after the 7-8 days of the incident i.e. on 16th May, 2015. Hence, this bail application. However, the applicants/accused Ramchandra Vavre, Laxman Vavre and Sudam Vavre had moved this Court for pre arrest bail.

4. The learned counsel for the applicants/accused further submitted that the applicants/accused have obtained injunction in the civil Court in respect of the suit land against the complainant and the complainant and his family members despite of the said injunction order wanted to take physical possession of the land. Therefore with a view to protect their land they stopped the members of the complainant and there was sudden fight between the two groups. He submitted that on the same day, applicant/accused Hanumant who has prayed for bail has given complaint to Walchand Nagar police station and the offence is registered at C.R. No. 65 of 2015 under Sections 324, 323 and other sections of Indian Penal Code.

5. The learned prosecutor has opposed the applications. She relied on the injury certificates of Namdeo Waghmode, Jaysingh Waghmode, Bapu Waghmode and Popat Waghmode. She submits that the applicants/accused were aggressive and they used iron rod and sticks. She submitted that both the applications are to be rejected.

6. Perused the first information report in both C.R. Nos. 64 of 2015 and 65 of 2015. It appears that due to a civil dispute over the land, there was enmity between the parties. It appears from the record that

applicants/accused were holding weapons and were aggressive. However, there was free fight between the parties on that day. The injury certificates disclose that four persons had sustained fractures. However, the applicants /accused who had prayed for bail are behind bars since one month. On query, it is informed that applicants/accused do not have any criminal antecedents. In view of this, I allow both the applications.

7. Hence, I grant bail as under:

- a) The applicants/accused in Bail Application No. 1068 of 2015 be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) each with one or two solvent sureties in the like amount;
- b) They shall attend Walchand Nagar police station, Indapur once in a week on every Thursday in between 6.00 pm to 7.00 pm till filing of the charge-sheet.
- c) They shall not indulge in any criminal activity against the complainant and his family members.
- d) They shall not enter the village Nimsakhar, Tal. Indapur where the complainant and the injured persons are residing till 31st July, 2015 except giving attendance to the police station.

8. I grant pre arrest bail as under:
- a) In the event of arrest, the applicants/accused in Anticipatory Bail Application No. 789 of 2015 be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) each with one or two solvent sureties in the like amount;
 - b) The applicants/accused shall cooperate with the Investigating Officer and they shall attend Walchand Nagar police station, Indapur once in a week on every Tuesday in between 6.00 pm to 7.00 pm for two months.
 - c) They shall not indulge in any criminal activity against the complainant and his family members.
 - d) They shall not enter the village Nimsakhar, Tal. Indapur where the complainant and the injured persons are residing till 31st July, 2015 except giving attendance to the police station.
9. Both the applications stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)