

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1378 OF 2015

1. Raju @ Rajendra Balkrishna	
2. Kiran Deepak Khurange	
3. Vilas Pandurang Khurange	
4. Namdeo Duda Khurange	
5. Krishna Shankar Shingade	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. V.S. Talkute, Advocate for the applicants.

Mr. Arfan Sait, APP for the State.

I.O. Mr. S.D. Nilpatrewar, P.S.I., Indapur Police Station, Pune (R) present.

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

DATE : **AUGUST 6, 2015**

P.C.:

This Application is moved for bail, as the applicants/accused are prosecuted for the offences punishable under sections 307, 326, 324, 323, 354, 436, 452, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under section 3(1)(10), 3(2)(4), 3(2)(5), 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in C.R. No. 192 of 2015 registered with Indapur Police Station, Pune.

2. It is the case of the prosecution that one Deepak Vilas Bhingardive gave information to the police on 26th June, 2015 that his family and the families of Shingade and Khurange disputed on the ground of access and encroachment. On 26th June, 2015 at around 10 to 11 a.m. the applicants/accused Raju Shingade, Kiran Khurange and co-accused

Sanjay Shingade arrived at the field of complainant and picked up quarrel. Co-accused Sanjay Shingade abused the family members of the complainant by their caste and threatened them. Thereafter, on the same day at around 4 p.m. applicants nos. 1 and 2 along with co-accused Sanjay Shingade arrived at the house of the complainant and abused them by their caste. They were armed with wooden logs and assaulted the complainant and his family members. Thereafter, Mahadeo Khurange and Vilas Khurange arrived there along with 10 to 15 persons on vehicle. They were armed with weapons like sticks, iron pipe, hockey sticks, iron rod etc. and started assaulting complainant and his family members. Hence, the complaint was given and the offence was registered. Applicant no. 2 was arrested on 26th June, 2015 and applicant nos. 1, 3 to 5 were arrested on 29th June, 2015. Hence, this Bail Application.

3. The learned counsel for the applicants/accused submitted that this Court by its order dated 29th July, 2015 has granted pre-arrest bail to co-accused except Sanjay Balkrushna Shingade. He submitted that this is the bail application of the applicants/accused, who are attributed the similar role like the co-accused who are protected by an order of pre-arrest bail. He submitted that Section 307 cannot be invoked in view of the injuries sustained by the injured. He further submitted that the applicants/accused are falsely implicated in this case. They do not have criminal antecedents and are ready to abide by the conditions imposed by

this Court if bail is granted.

4. Learned APP opposed this Bail Application. He produced the documents, statements of witnesses and the injury certificates. He submitted that witness Pradip Bhingardive was admitted for 24 days for treatment. He suffered 2 CLWs on frontal and temporal region. All the injuries were grievous. Other two persons Deepak and Samadhan were injured. There were many persons involved in the offence of assault. These families are continuously fighting against each other and therefore, bail is not to be granted.

5. Perused the FIR and the injury certificates. The injuries caused to Pradip are described as grievous in nature, however, injuries sustained to other two persons are simple in nature. It appears that the parties have continuous dispute in respect of access and boundaries, however, the applicants/accused do not have any criminal background as it is confirmed from the Investigating officer. It appears that major portion of the investigation is complete and applicants/accused are residents of the same village having roots, hence, I am inclined to grant bail to the applicants/accused on the following terms and conditions:

ORDER

- i) The applicants shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/- each with one or two sureties in the

like amount;

- ii) The applicants shall not tamper with the evidence and shall not pressurize the complainant and other witnesses.
- iii) The applicants shall not indulge into any kind of offence while on bail.
- iv) The applicants shall report the concerned police station on every Saturday between 6 p.m. to 7 p.m. till the filing of charge sheet.
- v) The applicants shall make himself available and attend all Court dates;
- vi) The applicants shall not abscond and furnish their addresses 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.)