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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1403 OF 2015**

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|----|---------------------|--|---------------|
| 1. | Amol Vibhishan Dain | | |
| 2. | Rama Vilas Gaikwad | | ...Applicants |

Versus

State of Maharashtra	...Respondent
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**WITH
CRIMINAL APPLICATION NO.634 OF 2015
IN
CRIMINAL BAIL APPLICATION NO.1403 OF 2015**

Mr.Suryakant Tukaram Deshmukh	...Applicant (Intervener)
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IN THE MATTER BETWEEN

- | | | | |
|----|---------------------|--|---------------|
| 1. | Amol Vibhishan Dain | | |
| 2. | Rama Vilas Gaikwad | | ...Applicants |

Versus

State of Maharashtra	...Respondent
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**WITH
CRIMINAL BAIL APPLICATION NO. 1404 OF 2015**

Suresh Magandas Diwate	...Applicant
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Versus

State of Maharashtra

...Respondent

**WITH
CRIMINAL APPLICATION NO.633 OF 2015
IN
CRIMINAL BAIL APPLICATION NO.1404 OF 2015**

Mr.Suryakant Tukaram Deshmukh

...Applicant
(Intervener)

IN THE MATTER BETWEEN

Suresh Magandas Diwate

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.A.P.Mundargi, Senior Advocate, i/b Mr.Ritesh Thobde, for the Applicants in Bail Application Nos.1403 and 1404 of 2015.

Mr.S.S.Pednekar, A.P.P for the Respondent-State

Mr.V.V.Ugle, for the Intervener in APPP Nos.633 of 634 of 2015.

***CORAM : REVATI MOHITE DERE, J.
DATE : 12th OCTOBER, 2015***

P.C. :

1. Heard learned Senior Counsel for the applicants and the learned A.P.P.
2. By these applications, the applicants seeks their enlargement

on bail in connection with C.R. No. 82 of 2015, registered with the Karmala Police Station, Solapur for the alleged offences punishable under Sections 307, 324, 323, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. The incident in question has taken place on 29th March, 2015 at about 11.00 a.m. The complainant is one Suryakant Tukaram Deshmukh. He has alleged that on the aforesaid date and time, when he was sitting along with the villagers – Nilkanth T. Deshmukh, Hanumant T. Shinde, Mukund Vishnu Deshmukh, Chandrakant Ramchandra Deshmukh, Gorakh Raghunath Deshmukh, Malhari Krushna Arkile, Kiran Salunkhe and others discussing about the yatra which was to take place, the present applicants along with other co-accused came to the spot on six motorcycles. It is alleged that there was an altercation with regard to the yatra which was to take place in the village and that suddenly co-accused – Rahul is alleged to have removed a sword from his shirt ; co-accused – Aaba Dain is alleged to have removed an iron rod ; applicant no.1 – Amol Dain in Bail Application No.1403 of 2015 is alleged to have removed a knife from his pocket ; Applicant no.2 – Rama Gaikwad in Bail Application No.1403 of 2015, is

alleged to have removed an iron rod and rushed towards the complainant and others. According to the prosecution, as far as the present applicants are concerned, applicant no.1 – Amol is alleged to have assaulted – Chandrakant Deshmukh on his left hand with a knife, applicant no.2 – Rama is alleged to have assaulted Hanumant Shinde and Mukund Deshmukh with an iron rod and applicant - Suresh @Pintu Magandas Diwate in Bail Application no.1404 of 2015, is alleged to have assaulted all the persons with fists and kick blows along with other co-accused.

4. Learned Senior Counsel for the Applicants states that with respect to the same incident, there is a cross case lodged by applicant - Suresh @Pintu Magandas Diwate (Applicant in Bail Application no.1404 of 2015) which was registered vide C.R.No.83 of 2015, alleging offences punishable under Section 324 etc. He submitted that in the said case, two persons have been injured. As far as the present C.R. is concerned, he submitted that the applicant no.1 – Amol is alleged to have assaulted Chandrakant and that a perusal of the injury certificate of Chandrakant shows that Chandrakant has received injuries which are simple in nature by a hard and blunt object. As far as applicant no.2- Rama is concerned, he

submitted that a perusal of the injury certificate of Hanumant Shinde shows that he has received two simple injuries on his forehead and on the forearm and Mukund has also received simple injuries on his knee, back and left side frontoparietal region. He submitted that considering the nature of injuries and the role attributed to the applicants and the fact that investigation is complete and charge sheet is filed, the applicants be enlarged on bail.

5. Learned APP submits that there is one antecedent as against the applicant no.1 – Amol Dain in Bail Application No.1403 of 2015, which was registered in the year 2013.

6. Learned Counsel for the Intervener submit that the applicants have been indirectly threatening the complainant and others, pursuant to which NC's have been lodged.

7. Perused the charge-sheet, in particular the statements of the complainant, the injured and the injury certificates. It appears that the injuries alleged to have been caused by the applicant nos.1 and 2 in Bail

Application No.1403 of 2015 are simple in nature. Similarly, Suresh @Pintu Magandas Diwate, (Applicant in Bail Application no.1404 of 2015) is alleged to have assaulted with fists and kicks blows.

8. Considering the aforesaid and the fact that investigation is complete and charge sheet is filed, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the Karmala Police Station, Solapur on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicants to cooperate with the conduct of the trial;

9. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

11. In view of the disposal of the Bail Application Nos.1403 and 1404 of 2015, the Intervention Applications being Criminal Application Nos.634 and 633 of 2015 does not survive and the same are also disposed of.

12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.