

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1448 OF 2015

1. Changdev Maruti Borate	
2. Ganesh Changdev Borate	... Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Pradeep D. Gharat, Advocate for the applicants.

Ms. Veera Shinde, APP for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **AUGUST 17, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges for the offences punishable under sections 326, 324, 323, 504, 506 r/w. 34 of the Indian Penal Code in C.R. No. 190 of 2015 at Yawat Police Station, Pune Rural. The offence was registered at the instance of Sandeep Prabhakar Borate on 28th June, 2015.

2. The complainant is a relative of the applicants/accused. They have dispute in respect of ancestral property. On 28th June, 2015 in the afternoon they had quarrel on account of construction of the ancestral house and the applicants/accused assaulted the complainant and his brother Navnath with sickle, fist blows and kicks. The complainant and his brother were taken to the hospital. The complainant was indoor patient for 5 days. The applicants/accused were arrested on next day, i.e., 29th June, 2015. Hence, this Bail Application.

3. The learned counsel for the applicants/accused has submitted that on 28th June, 2015 the applicants/accused also went to the police station and gave complaint, however, their complaint was registered as NC. He submitted that applicants/accused are innocent and they do not have any criminal antecedents. They are inside the prison since last 1½ month. The complainant joined the duty immediately after the next day of his discharge.

4. Learned APP opposed the Application. She relied on the complaint and the injury certificates of the complainant and his brother.

5. Perused the FIR and injury certificates. The applicants and complainant are relatives and they have dispute in respect of ancestral house. Two injuries sustained to the complainant were grievous in nature and he was admitted in the hospital for 5 days. The applicants/accused do not have criminal antecedents to their record. The applicants/accused have roots in the village. Considering the facts of the case and the nature of injuries sustained to the complainant and his brother and the period for which the applicants are kept in the prison, 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.40,000/- each, with one or two sureties in the like amount;

- iii) The applicants shall not tamper with the evidence;
- iv) The applicants shall not indulge into any kind of criminal activity in the village so also with the complainant and his family members;
- v) The applicants shall attend on all the Court dates.
- vi) In the event the applicants/accused change their address, they shall furnish all the details thereof including contact numbers to the Investigating Officer.
- vii) The applicants shall not leave India without prior permission of the Court;
- viii) Breach of either of the conditions will amount to cancellation of bail forthwith.

6. The learned counsel for the applicant requested for provisional cash bail of Rs.40,000/-. The temporary cash bail of Rs.40,000/- each is accepted and time is granted to the applicants/accused till 7th September, 2015 to furnish one or two sureties.

7. Bail Application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)