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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1447 OF 2015**

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| 1. | Sheetal Hanumant Pachpute | |
| 2. | Nandkishor Ramesh Pachpute | |
| 3. | Purushottam Ramesh Pachpute | |
| 4. | Sanjay Govind Shose | ...Applicants |

Versus

The State of Maharashtra	...Respondent
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**WITH
ANTICIPATORY BAIL APPLICATION NO.1448 OF 2015**

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| 1. | Hanumant Anandrao Pachpute | |
| 2. | Ramesh Anandrao Pachpute | ...Applicants |

Versus

The State of Maharashtra	...Respondent
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Mr.Kuldeep S. Patil i/b Vinod Sanjiv Shetty, for the Applicants in ABA No.1447 of 2015.

Mr.Kuldeep S. Patil i/b Deokar Pankaj Popatrao, for the Applicants in ABA No.1448 of 2015.

Ms. P.P.Shinde, A.P.P for the Respondent-State
API – D.T.Karche, Daund Police Station, Pune.

***CORAM : REVATI MOHITE DERE, J.
DATE : 1st OCTOBER, 2015***

P.C. :

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| 1. | Heard learned counsel for the applicants and the learned A.P.P. |
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2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.239 of 2015 registered with the Daund Police Station, District – Pune, for the alleged offences punishable under Sections 143, 147, 148, 326, 323, 504, 506, 452 of the Indian Penal Code and 135 of the Bombay Police Act.

3. The complainant is one Sachin R. Pachpute, who is also an injured in the said case. He has alleged that there was some land dispute, over cutting of trees and dispute over collecting funds for yatra, between the accused - Hanumant Pachpute and the complainant's family. He has stated that on account of the same, there were verbal altercations between them. He has alleged that on 10th July, 2015, at about 5.00 p.m when he was going on his motorcycle, accused - Hanumant Pachpute looked at him angrily. He has alleged that at about 8.30 p.m., all the applicants came to his house, armed with iron rods, stick, sword and axe. He has alleged that accused - Hanumant Pachpute called out to him and asked why he was hiding and that he would set the roof on fire. He has alleged that all the applicant - accused started pelting stones on the house, pursuant to which he opened the door. He has alleged that all the applicant - accused entered

the house ; that Ramesh Pachpute abused him and assaulted him on his head with a koyta ; that when his father tried to intervene , Ramesh is alleged to have assaulted him on his legs with a koyta ; thereafter accused - Hanumant Pachpute is alleged to have assaulted the complainant with an axe on his right leg and is also alleged to have assaulted his father ; Purushottam Pachpute is alleged to have also assaulted with a koyta, Sanjay Govind Shose with a sword and Nandkishor Pachpute with an iron rod and Sheetal Pachpute with a stick. All the said persons are alleged to have assaulted both the complainant and his father.

4. Learned Counsel for the Applicants states that with respect to the same incident, a cross case has been filed by Hanumant Pachpute on 3rd September, 2015 which was registered vide C.R. No.242 of 2015 for the alleged offences punishable under Sections 143, 147, 148, 149, 326, 323, 504, 506 of the Indian Penal Code. He submitted that in the said incident Hanumant Pachpute had also received grievous injuries, which are as under:-

Displaced fracture of scapula (Rt)pg. 42. ;
Dislocation of acromio – clavicular joint
Perianthrosis shoulder

fracture fibula w/3 (Lt),

Contusion over back ;

Contusion neck.

Above said injuries are caused by hard and sharp object and can cause cutting injury danger to the life of person.

5. Learned Counsel for the Applicants submitted that the said complaint i.e. C.R.No.239 of 2015, has been lodged almost 52 days after the incident, as there was a compromise entered into between the parties. He harped on the delay in lodging the F.I.R.

6. Learned APP opposes the present application. She submitted that the injury certificates of both the complainant and his father, which are on record, clearly shows that an incident had taken place and that the injuries corroborate the alleged overt acts of the applicants. She submitted that the compromise cannot be looked into and infact the said fact explains the delay in lodging the F.I.R. She submits that the complainant has received several injuries in the said incident and the history given immediately to the doctor is consistent with the F.I.R.

7. Perused the papers, in particular the statement of the injured and the injury certificates. As far as the question of delay is concerned, the same does not have a bearing inasmuch as, the compromise entered into between the parties cannot be considered while deciding this application. The injury certificates which is on record clearly shows, that the injured have given history of assault by koyta, stick and sword. The injuries are consistent with the overt acts attributed to the applicants and appears to have been caused by the alleged weapons.

8. Considering the nature of allegations and the nature of injuries sustained by the injured, the applicants i.e. Nandkishor Ramesh Pachpute ; Purushottam Ramesh Pachpute ; Sanjay Govind Shose and Ramesh Anandrao Pachpute's prayer for Anticipatory Bail stands rejected. As far as applicant - Hanumant Pachpute is concerned, considering his age i.e. 63 years and the nature of injuries sustained by him in the said incident and considering the role of Applicant – Sheetal Hanumant Pachpute, who is alleged to have assaulted the complainant and his father with a stick and that she is a lady, both the said applicants are granted pre-arrest bail on the

following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants - Hanumant Anandrao Pachpute and Sheetal Hanumant Pachpute be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case ;

(iii) The applicants i.e. Nandkishor Ramesh Pachpute ; Purushottam Ramesh Pachpute ; Sanjay Govind Shose and Ramesh Anandrao Pachpute's prayer for Anticipatory Bail stands rejected.

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 are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.

CERTIFICATE

*Certified to be true and correct copy of the original signed
Judgment/order.*
