

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [BA] No.911 of 2014

(Yerlal Berlal Ghosale vs. The State of Maharashtra, through P.S.O. Loni, District Amravati)
and

Criminal Application [BA] No.912 of 2014

*(Dnyaneshwar Berlal Ghosale [Bhosale] and another
vs. The State of Maharashtra, through P.S.O. Loni, District Amravati)*

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.

DATE : JANUARY 19, 2015.

Heard Mr. S.D. Chande, the learned Counsel for the applicants and Mr. S.B. Ahirkar, the learned A.P.P. for the non-applicant/State.

By the present applications, the applicants viz. Yerlal, Dnyaneshwar and Kalyan are before this Court seeking their enlargement on bail in connection with Crime Nos. 130 and 131 of 2014, registered at Loni Police Station, District Amravati for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

Crime No.130/2014 is registered at the instance of Sau. Sange Yerlal Ghosale and Crime No.131/2014 is registered at the instance of Sau. Asha Kalyan Ghosale. These are the counter reports against each others alleging that on

13/11/2014, the parties were engaged in some religious function/pooja. The allegations in Crime No.130/2014 is, Dnyaneshwar and Kalyan were obstructing the religious function and were abusing the sister of Sau. Sange Ghosale, to which Yerlal took objection. Dnyaneshwar gave knife blow, whereas Kalyan gave stick blow to Yerlal. In Crime No.131/2014, the complainant Asha Ghosale alleged that her brother-in-law Yerlal caused obstruction in the Pooja, to which her husband Dnyaneshwar gave an understanding. Yerlal gave axe blow to Dnyaneshwar causing him severe injury.

The learned Counsel for the applicants submits that the counter reports are the outcome of an misunderstanding. He further submits that the applicants are the brothers of each others and due to some minor misunderstanding, these reports are lodged. He then submits that, both these applicants, though were admitted in the hospital, were discharged on the very next date of the incident. He also submits that the applicants may initiate proceedings for quashing the reports lodged against each others for maintaining the peaceful relations between them. He then submits that as the investigation on material aspect is over by collecting the statements and the medical certificates and keeping the applicants behind the bars would only leads to keep strained relationship alive. He further submits that in spite of allowing the parties to carry grudge against each others, if the

parties are enlarged on bail, they would settle the dispute and they would abide by any condition imposed by this Court. He further submits that the applicants are the tribal and are not much conversant with the legal proceedings. He submits that if the applicants are advised, they would take all necessary steps so as to end the dispute and strained relationship.

The learned A.P.P. for the State vehemently opposes the application. He submits that the investigating agency has collected the material in the form of witnesses. The witnesses in their statements state about the incident and the role played by the applicants. He further submits that the medical evidence also supports the case of the prosecution. The learned A.P.P. made available the material collected in the investigation for my perusal.

The medical evidence in the form of certificates shows that the injuries are received by the victims and they were discharged from the hospital on the next day of the incident. It is not in dispute that there is a close relationship between the parties. The applicants are the brothers of each others. It is also not in dispute that the trigger point of the alleged incident was an obstruction in some religious function/pooja.

The learned Counsel for the applicants, on instructions, submits that the applicants may take necessary steps so as to give a full-stop to the enmity between the brothers.

It is also not in dispute that major part of the investigation is concluded now.

Considering all these aspects, in my opinion, the learned Counsel for the applicants has made out a case. The apprehension of the State can be taken care of by imposing certain conditions on the applicants.

In the result, the applications are allowed. The applicants be released on bail on their furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) each with one or two sureties in the like amount for each on the following conditions.

- i. The applicants to attend Loni Police Station, District Amravati on every Sunday of the month from 09:00 a.m. to 12:00 noon and maintain a diary of his attendance duly countersigned by the Police Station Officer, till commencement of the trial.
- ii. The applicants shall not tamper with the evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.
- iii. The applicants to submit their residential address and contact numbers, such as phone/mobiles numbers, in case of change, to the investigating agency.
- iv. In case the applicants are moving out of the area of Loni

Police Station, they shall take permission and inform the concerned Police Station about their visits to other place.

In case of any breach of the conditions by the applicants, the State would be at liberty to move this Court.

Needless to say that these are the observations of the Court while deciding the present bail applications and the learned Sessions Judge may not be influenced by these observations while conducting the trial.

The applications are disposed of as such.

JUDGE

**sdw*