

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 5353 OF 2016

1. Nanasaheb Haridas More .. Applicants
Age. 51 years, Occ. Agriculture,

2. Vaibhav Nanasaheb More
Age. 22 years, Occ. Education,

Both R/o. Rui, Tq. & Dist. Latur.

Versus

The State of Maharashtra .. Respondent

Mr.Joydeep Chatterji, Advocate for the applicants.
Mr.S.M. Ganachari, APP for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 13.10.2016

P.C. :-

1. Applicants - father and son duo, who are accused in Crime No.78 of 2016 registered with Gategaon Police Station, Dist. Latur, for the offences punishable under sections 307, 326, 147, 148, 149, 150, 324 of the Indian Penal Code, by this application, are seeking bail after filing of charge-sheet.

2. Heard learned Counsel for applicants/accused. He argued that injured are already discharged from the hospital. He further argued that injured and applicants

are residing at two different places. Therefore, further pre-trial detention of applicants is not warranted.

3. Learned A.P.P. opposed the application by contending that the cause for the incident is claim for agricultural land by applicants. Despite pendency of civil dispute, by taking law in their hand, applicants and co-accused have assaulted the informant as well as her husband. Therefore, according to learned A.P.P., applicants are not entitled for bail.

4. Informant - Kalpana is sister-in-law of applicant Nanasaheb and aunt of applicant Vaibhav. Allegations against them are to the effect that they assaulted Kalpana and her husband Tatyrao, because of dispute over agricultural land situated at village Rui in Latur district.

5. Perusal of injury certificate shows that Kalpana had suffered head injury whereas Tatyrao had suffered fracture injury, apart from injury to his head. It is seen that both victims are already discharged from the hospital. Victims appear to be resident of Latur town; whereas applicants are resident of Rui in Latur town. There is no possibility of aggravation of offence because of discharge of injured. Hence, I see no reason to deny

bail to applicants by imposing appropriate conditions.
Therefore, the following order :-

O R D E R

- i) The application is allowed.
- ii) Applicants/accused- Nanasaheb Haridas More & Vaibhav Nanasaheb More, in Crime No.78 of 2016, registered with Gategaon Police Station, Dist. Latur, for the offences punishable under sections 307, 326, 147, 148, 149, 150, 324 of the Indian Penal Code, be released on bail on executing P.R.Bond of Rs.15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount, by each of them.
- (iii)As a condition of this Order, applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- (iv) Applicants shall not tamper the evidence of the prosecution.

(v) Applicants to co-operate the trial Court in the expeditious disposal of trial against them.

(vi) As a condition of this order, applicants should not contact in any manner to the informant or injured Tatyrao More.

[A.M. BADAR, J.]