

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. BAIL APPLICATION NO. 929 OF 2016

1. Rajendra Shamrao Pol
2. Dada Maruti Pol ... Applicants.

V/s.

The State of Maharashtra ... Respondent.

Mr. Aniket U. Nikam, Advocate for the Applicants.
Mr. Y. M. Nakhwa, A.P.P. for the Respondent – State.
PI-Mrs. R.B. Kunjar (CID) is present.

**CORAM : A. M. BADAR, J.
DATE : 28th JUNE, 2016**

P.C. :

1 Applicants/accused in Crime No. 95 of 2009 registered with the Dahiwadi Police Station, Satara, for the offences punishable under sections 307, 333, 395, 353, 341, 342, 427, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code at the instance of informant-Kundalik Tembore by this application are seeking bail, pending trial.

2 Heard the learned counsel appearing for the Applicants/accused as well as the learned APP for the State.

3 The allegations of the first informant are to the effect that he was deputed as body guard of one-Sadashiv Pol,

an Ex. MLA. After said Sadashiv Pol was defeated in the election, his son, nephew as well as others assaulted the informant, suspecting that the informant helped the other party candidate, who won in the election. According to the informant/injured-Kundalik, accused persons abused him, assaulted him by pelting stones at him and then hit by means of butt of the rifle, by snatching it from the informant.

4 It is not in dispute that the main accused persons namely, Manoj Sadashiv Pol and Abhay Mohan Pol, son and nephew respectively of Sadashiv Pol, are already enlarged on bail. So far as the present applicants are concerned, nobody named them as persons directly involved in the incident. They are reported to have identified in the test identification parade dated 10th October, 2015 i.e. after the period of six years from the date of the alleged incident. From the prosecution case, some of the eye witnesses have identified the present applicants.

5 Be that as it may, as the other main co-accused are enlarged on bail, the present applicants also deserve similar relief as their role is far lesser than the role attributed to the main accused. Therefore, the following order :

ORDER

- i. The application is allowed.

- ii. Both applicants/accused in Crime No. 95 of 2009 registered with the Dahiwadi Police Station, Satara, at the instance of informant-Kundalik Tembore, be released on bail on their executing PR bond in the sum of Rs.5000/-each and on furnishing solvent surety in the like amount by each of them.
- iii. As a condition of this order, the Applicants should attend the trial court regularly and co-operate in expeditious disposal of the trial.
- iv. In addition, the Applicants/accused are directed that they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade such person from disclosing such facts either to the Court or to any police officer and that applicants shall not tamper with the prosecution evidence in any manner.
- v. The applicants should not commit offence of similar nature in future.

The application is disposed of accordingly.

(A. M. BADAR, J.)