

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.765 OF 2016

Pravin Ganpati Patil and Ors.] ... Applicants

Versus

State of Maharashtra] ... Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.766 OF 2016

Shri Tanaji Shankar Mane and Anr.] ... Applicants

Versus

State of Maharashtra] ... Respondent

Mr. Kedar J. Patil for Applicants.
Ms. Veera Shinde, APP for Respondent-State.

CORAM :- A. M. BADAR, J.
DATE :- JUNE 08, 2016

P. C. :-

1. The applicants/accused in Crime No.12 of 2016 for the offences punishable under Sections 329, 363, 342, 143, 147, 148 and 149 of IPC registered against them at the instance of Ganpati Raosaheb Chougule at Bhilawdi Police Station, Sangli, are praying for pre-arrest bail.

2. The applicants in ABA No.765 of 2016 are stated to be the accused who had allegedly abducted and assaulted the informant whereas the applicants in ABA No.766 of 2016 are stated to be witnesses to gift deed allegedly got executed from the informant in the name of wife of the informant by exerting pressure on him and by subjecting him to grievous hurt.

3. Heard the learned Counsel for applicants as well as the learned APP for State. According to the learned Counsel for applicants, the informant was addicted to liquor and for fulfilling his need, he used to sell property. Hence according to the learned Counsel for applicants, the informant lodged false F.I.R. against relatives of his wife. By pointing out affidavit of wife of the informant, the learned Counsel argues that the informant had previously agreed to execute gift deed of agricultural land in favour of his wife.

4. The learned APP opposed the application by contending that serious and grievous hurt is caused to the informant by the applicants for getting gift deed of his agricultural land executed in favour of his wife.

5. Perused papers of investigation as well as the F.I.R. lodged by the alleged victim Ganpati Raosaheb Chougule. He is the husband of Deepali. Most of the accused are relatives of Deepali. According to the prosecution case on 28/03/2016, applicants/accused abducted

him from his own house and took him to village Ambap. The informant was kept in the room of his father-in-law where his brother-in-law Shankar had assaulted him. According to the prosecution case, Pravin and Bandu Patil assaulted him at that place by means of stick blows and iron rod. Thereafter at 4.00 p.m., the informant is stated to have been assaulted by Jalinder and Tanaji, apart from administering electric shocks to him. Thereafter according to the prosecution case, on 29/03/2016 he was also subjected to brutal assault by the accused persons and then he was taken to the office of Sub-Registrar where he was made to execute gift deed in favour of his wife Deepali.

6. Perusal of injury certificate shows that informant Ganpat Chougule had suffered only blunt trauma over head and back. This cannot be said to be a grievous hurt, as defined by Section 320 of the IPC. Affidavit of Deepali placed on record at page 33 goes to show that when she had informed husband and in-laws that she is going to lodge report against them. The informant had requested her not to lodge report and further said her that he will execute gift deed of agricultural land in the name of Deepali in order to secure future of their son.

7. The applicants have placed on record revenue record which goes to show that in the past, informant Ganpat Chougule had sold his agricultural land to Jitendra. There appears to be one another transaction in respect of agricultural land of Ganpat Chougule on 05/10/2002. These documents, coupled with the affidavit of wife of

the informant, go to support contention of the applicants that the informant was addicted to liquor and he used to sell his agricultural property.

8. Be that as it may, the informant has not suffered any grievous hurt. Gift deed appears to be the result of understanding between the informant and his own wife Deepali.

9. Considering the nature of offence and evidence against the applicants, their custodial interrogation is not at all warranted and therefore the order :-

ORDER

- i) In the event of arrest of the applicants in Crime No.12 of 2016 for the offences punishable under Sections 329, 363, 342, 143, 147, 148 and 149 of IPC registered against them at the instance of Ganpati Raosaheb Chougule at Bhilawdi Police Station, Sangli, they be released on executing P.R. bond of Rs.5,000/- and on furnishing surety in the like amount by each of them.
- ii) As a condition of this order, the applicants are directed to attend Bhilawdi Police Station on every Saturday in between 11.00 a.m. to 1.00 p.m. for a period of one month.
- iii) The applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against applicants

so as to dissuade him from disclosing such facts either to the Court or to any police officer and that they shall not tamper with the evidence.

- iv) The applicants/accused shall inform their latest place of residence and cell number after their release and continue to inform the change in residence or cell number, if any, from time to time to the Investigating Officer of the concerned police station and on filing the charge-sheet to the concerned Court.
- v) The applicants/accused shall co-operate for expeditious disposal of the trial.
- vi) The applicants/accused shall not commit an offence similar to the offence of which they are accused or suspected of the commission.
- vii) The applicants/accused shall not leave India without prior permission of the concerned Court.
- viii) The applications are disposed of accordingly.

(A. M. BADAR, J.)