

ANTICIPATORY BAIL APPLICATION NO. 1039 OF 2016

Mr. Rajaram V. Bansode, Advocate for the Applicants.
Mrs. Veera Shinde, APP for the State.

CORAM : A. M. BADAR, J.
DATE : 23rd JUNE, 2016

P.C. :

1 Applicants/accused in Crime No. 192 of 2016
registered with Phaltan (Rural) Police Station, Dist. Satara at
the instance of informant -Dilip Baburao Sonwalkar for the
offences punishable under sections 307, 323, 324, 143, 147,
148, 149, 341, 504, 506 of the Indian Penal Code, by this
application are seeking pre-arrest bail.

2 Heard the learned counsel appearing for the Applicants/accused as well as the learned APP for the State. According to the learned counsel for the applicants there are two groups in the village politics. One group is headed by Sonwalkar family and another by Pisal family. Learned counsel for the applicants further argued that applicant no. 3- Sachin Dattatray Pisal was Sarpanch of the village and prior to that he also held office as a Member as well as Dy. Sarpanch

of the village. In order to bridge differences between two groups, he resigned from the post of Sarpanch but subsequently he again expressed his desire to field his candidature for the said post in the election to be held by 8th June, 2016. According to the learned counsel for the applicants, feeling aggrieved by this act of applicant no.3, in fact, the prosecution party had assaulted them, requiring their hospitalization. Learned counsel further argued that the applicants are still taking medical treatment and the incident happened because of the political rivalry in the village. Role attributed to applicant no.1 was only of standing on the spot.

3 As against this, the learned APP opposed the application.

4 Perused the papers of investigation and the FIR. In his report lodged on the date of the incident, informant -Dilip Sonwalkar had categorically stated that cause of the dispute was excavation of sand. The informant reported that in the evening hours of 8.6.2016, all applicants came near to his house on four wheeler as well as on two wheeler. According to the informant, the applicants were armed with pipes, iron rods and wooden logs. The FIR as well as statements of the witnesses show that the applicants have started pelting stones at the house of the informant. Thereafter, they had assaulted the informant and his relatives.

5 During the course of investigation, the investigating officer has collected injury certificates of the informant as well as his relatives. It is seen from the injury certificates that informant - Dilip Sonwalkar, Vilas Sonwalkar, Suraj Sonwalkar, Nitin Sonwalkar, Sunil Sonwalkar and Mrs. Sindhubai Sonwalkar had suffered in this incident. Perusal of the injury certificates shows that the injured suffered grievous injuries to vital part of the body such as his head. During the course of investigation, a spot panchanama is recorded by the investigating officer which also corroborates the version of the injured witnesses and the informant. In the wake of this material against the applicants, it cannot be said that they are falsely implicated in the crime in question and no such incident ever happened.

6 Hospitalization of the applicants cannot be a reason for grant of anticipatory bail to them. Prima facie, it is seen that the applicants have formed unlawful assembly with a common object of committing murder of the informant and his family members. As such even if no overact is attributed to any one member of that unlawful assembly that would not be of any assistance.

7 In the result, no case for anticipatory bail is made out. The application is rejected.

(A. M. BADAR, J.)