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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1533 OF 2016

1. Sunil Vitthal Barge	
2. Sachin Vitthal Barge	 Applicants
V/s.	
The State of Maharashtra	 Respondent

Mr. Avinash Fatangare, i/by Mahendra Shingade,
for the Applicants.
Mr. Deepak Thakare, for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th AUGUST, 2016.

P.C. :

1. Applicants Sunil Barge and Sachin Barge, who are brothers taking education in the Engineering and Science streams, respectively, the accused in crime No.394 of 2016, for the offence punishable under Sections 307, 143, 147, 149, 504 and 506 read with 34 of the Indian Penal Code, registered with Sangola Police Station, District: Solapur, at the instance of Vikas Laxman Barge, are seeking bail.

2. Heard the learned counsel appearing for applicants/accused. He argued that both the applicants are students and the examination of final year of B.E.Civil course of applicant Sunil is scheduled to be held on

9th August, 2016. Applicant No.2 Sachin is a student having passed First year M.Sc. course. The learned counsel argued that considering the fact that applicants are students, they should be saved from ruining their educational career.

3. The learned APP opposed the application, by pointing out the injury certificate of victim Tanaji, who is cousin brother of present applicants. The learned APP submitted that even till today fracture injuries suffered by Tanaji, are not cured. The learned APP submitted that the crime in question is serious and there are eye witnesses to the incident in question apart from the informant.

4. Perused the papers of investigation including the F.I.R. Laxman Barge and Vitthal Barge are real brothers. They reside at Khandekar vasti, Sangola and are agriculturist by occupation. Informant Vikas and injured Tanaji are sons of Laxman Barge. Present applicants are sons of Vitthal Barge. Both these families own agricultural lands adjacent to each. The family of informant Vikas Barge applied for right of way and the Tahsildar had granted right of way to them from the field of family present applicants. That order is stated to be challenged in the appropriate proceedings at the instance of present applicants. The crime in question is the fall out of this assertion of right to way.

5. According to the informant on 15.6.2016, at about 9.00 p.m,

he saw both applicants assaulting his brother Tanaji near their field. The weapon used is stated to be axes. It is further averred that co-accused Satish Vitthal Barge and Vitthal Barge, were also present there armed with knife, stick and iron rod.

6. Tanaji sustained suffered fracture injury as seen from the report of Radiologist. The applicants are stated to be arrested in the month of June, 2016. Statements of witnesses are also recorded by the investigator.

7. The weapons of the alleged offence are also seized. In other words, substantial part of investigation is already over. Injured Tanaji is discharged from the hospital though he is not completely cured. In view of this, pre-trial detention of applicants, who are students by occupation is not warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) Applicants arrested in connection with Crime No.394 of 2016, for the offence punishable under Sections 307, 143, 147, 149, 504 and 506 read with 34 of the Indian Penal Code, registered with Sangola Police Station, District: Solapur, be released on bail on their executing P.R. Bonds in the sum of Rs.5,000/- by each of them, and on their furnishing sureties in the like amount, by each of them.
- III) Applicants shall not, directly or indirectly, make any inducement,

threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

- IV) Applicants shall not tamper with the prosecution evidence in any manner and shall co-operate the learned trial Judge, in expeditious disposal of the trial, in the event chargesheet is filed.
- V) Applicants shall not repeat commission of similar type of offences in future and particularly in respect of the informant and his family members.
- VI) Applicants shall not enter village Devale, (Khandekar vasti), Tal. Sangola, District: Solapur, till filing of the chargesheet.
- VII) The parties to act on the authenticated copy of this order.

[A. M. BADAR, J.]