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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1595 OF 2016

Chandrkant Kakaso Gadade and
ors

.... Applicants

V/s.

The State of Maharashtra

.... Respondent.

Mr. Umesh Mankapure, for the Applicant.

Mrs. Veera Shinde, APP, for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 10th AUGUST, 2016.

P.C. :

1. Applicants/accused, in crime No.102 of 2016, registered with Jath police station, District Sangli, for the offence punishable under Sections 143, 147, 148, 149, 326, 324, 323, 504, 506 of the Indian Penal Code, at the instance of Vishnu Shripati Kharat, by this application are praying for releasing them on bail.

2. Heard the learned counsel for applicants. He argued that there was dispute between the prosecuting party and accused party. Even according to the informant, applicant No.1 Chandrakant Gadade is stated to be holding a stick. No weapons are attributed to applicant No.2 Pandurang Thorat and applicant No.3. Keru. The learned counsel further

submitted that all injured are already discharged from the hospital. He further argued that there is cross F.I.R. against the prosecuting party lodged by Shivaji Gadade which shows that applicant Chandrakant and applicant Keru are neighbours, who rushed to the spot after noticing the assault.

3. The learned APP opposed the application by pointing out that the investigation of the crime in question is still going on and the offence is serious.

4. Perusal of the F.I.R., lodged by Vishnu Kharat, so also cross F.I.R. lodged by Shivaji Gadade. These F.I.Rs show that there was dispute in the members of Gadade family regarding boundary of field Gat No.1369 jointly owned by them. On 9.7.2016, Gadade brothers called some persons from the village for mediation.

5. However, when the talks of settling the dispute were going on, quarrel erupted. It is averred by informant Vishnu Kharat that at that time, applicant Chandrakant Gadade was holding stick. No weapons are attributed in the F.I.R., to rest of the applicants. The informant reported that accused persons including present applicants have assaulted members of prosecuting party by means of dangerous weapons such as Sattur and sticks.

6. Considering the fact that only stick was attributed to applicant

Chandrakant Gadade and no weapons were attributed to rest of the applicants as well as the fact that injured informant Vishnu has suffered grievous injuries in the nature of cut wound not attributable to use of the stick, pre-trial detention of the present applicants is not warranted.

7. It is not averred that applicants were holding sharp edged weapons which might have caused cut injuries. The injuries suffered to other victims of the crime appear to be simple in nature.

8. In this view of the matter, the following order.

Order

- I) The application is allowed.
- II) Applicants arrested in above crime, be released on bail on their executing P.R. Bonds in the sum of Rs.15,000/- 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.
- V) Applicants shall not repeat commission of similar type of offences in future.

[A. M. BADAR, J.]