

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2193 OF 2015**

1. Pandurang Bapu Pore,	
2. Mangal Bapu Pore	...Applicants
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 1010 OF 2015
IN
CRIMINAL BAIL APPLICATION NO. 2193 OF 2015**

Dada Namdev Pore	...Intervener
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IN THE MATTER OF :

1. Pandurang Bapu Pore,	
2. Mangal Bapu Pore	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Rahul S. Kate for the Applicants

Mr. J. H. Ramugade, A.P.P for the Respondent-State

Mr. Ranjeet Powar for the Intervener

CORAM : REVATI MOHITE DERE, J.
MONDAY, 11th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicants, learned Counsel for the Intervener and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 92 of 2015 registered with the Walchandnagar Police Station, for the alleged offences punishable under Sections 302, 326, 324, 504, 506 r/w Section 34 of the Indian Penal Code.

3. The complainant - Dada Namdeo Pore is the son of the deceased. The complaint is based on the information disclosed by his mother Janabai Pore, who is an eye-witness of the said incident. According to Janabai, an altercation took place on 5th July, 2015 at about 7:30 a.m., near the common boundary abutting the applicants' land and the deceased. She has alleged that the applicant No. 1 started abusing the deceased, as he was throwing congress grass on their land. It is alleged that the applicant No. 1 started abusing the deceased and when Janabai asked him not to abuse, it is alleged that the applicant No. 1 assaulted her with a stick and the applicant No. 2 hurled abuses at the deceased. She has further alleged that Bapu Pore abused the deceased and assaulted him on his head with an axe.

4. Learned Counsel for the applicants submitted that the incident in question has taken place on the spur of the moment and that the applicants have not assaulted the deceased. He submitted that the allegations *qua* the applicants is that the applicant No. 1 assaulted Janabai with a stick and applicant No. 2 hurled abuses at the deceased.

5. Learned A.P.P submits that the statement of Janabai has been recorded under Section 164 of the Cr. P. C. on 21st July, 2015, wherein she has stated that the applicant No. 1 was instigating Balu to finish off the deceased.

6. Learned Counsel for the intervener submitted that considering the nature of injuries sustained by the deceased, it is evident that even applicant No. 1 assaulted the deceased with a stick.

7. Perused the papers. Investigation is complete and charge-sheet is filed. From the statement of Janabai, it appears that applicant No. 1 assaulted her with a stick and applicant No. 2 hurled abuses at the deceased. The injury certificate of Janabai is not on record. It appears that

none of these applicants have assaulted the deceased. Considering the same, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 10,000/- each, with one or two local sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. for a period of one year from the date of their release;
- (iii) The applicants shall cooperate with the conduct of the trial;
- (iv) The applicants shall inform their latest place of residence and mobile contact numbers within two weeks of their release, and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. In view of the above order, Criminal Application No. 1010 of 2015 also stands disposed of.

11 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.