

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2527 OF 2016

Vishal Pandurang Mane.

.....Applicant

V/s.

The State of Maharashtra.

....Respondent

...

Ms. Varsha Bhogle, Advocate for Applicant.

Mr. Prashant Jadhav, APP for the State.

Mr. Gajanan Kamble, API, Jath Police Station Sangli.

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CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 16th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Cr.PC. The applicant herein is arrested on 17.11.2016 in Crime No.169 of 2016 registered at Jath Police Station for the offences punishable under sections 326, 143, 147, 148, 149, 323, 504 of the Indian Penal Code and section 5 read with section 27 of the Indian Arms Act.

2) It is the case of the prosecution that Tukaram Mane who is resident of village Dorli lodged a report at the Police Station alleging therein that on 31.10.2016 at about 9.30 p.m., the complainant was in the

company of Dhanaji Mane, Pandurang Bandgar and Ganesh Sargar. At the relevant time, he has seen Mahadeo Bandgar and others near the school. It is alleged that, both the groups had hurled abuses at each other. The complainant had informed his mother Tarabai about the same. It was decided to take the matter before the Village Dispute Resolution Committee and settle the matter amicably. However, when they went to spot, Mahadev Bandgar and Jaganath Bandgar along with the present applicant had reached the spot with sword and sticks and assaulted Ram Maruti Sagar, Tarabai Mane and Kundalik Kolpe.

3) It appears from the record that there are cross cases as Dhanaji Rupnar has also lodged the report against the complainant on the basis of which Crime No.168/2016 was registered at the same Police Station against the complainant and others.

4) Learned counsel for the applicant submits that Crime No.169/2016 has been registered to retaliate the registration of Crime No.168/2016.

5) Taking into consideration the papers of investigation, more particularly injury certificate, it appears that the injuries sustained by the

witnesses are simple in nature, except a fracture of temporal bone of Ram Maruti Sagar. In view of this, the applicant deserves to be enlarged on bail.

6) The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR. discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the concerned Police Station on 21st, 22nd, 23rd and 24th December 2016 and cooperate with the investigating agency to the best of his capacity.
- (iv) The applicant shall not entered within the jurisdiction of Jath Taluka, dill the filing of the charge sheet.
- (v) The application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)