

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1980 OF 2017

1. Sundar s/o. Sambhaji Kangle .. Applicants
Age. 60 years, Occ. Agri.,
2. Rajendra s/o. Sambhaji Kangle
Age. 63 years, Occ. Agri.,
3. Ganesh s/o. Rajendra Kangle
Age. 35 years, Occ. Agri.,
4. Dashrath s/o. Rajendra Kangle
Age. 23 years, Occ. Agri.,

All R/o. Kalam Amba, Tq. Kaij,
Dist. Beed.

Versus

The State of Maharashtra .. Respondent

Mr.N.R. Thorat, Advocate for the applicants.
Mr.A.R. Borulkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 28.04.2017

P.C. :-

1. This application is filed for bail. The statement is made that this is the first application filed for bail in this Court. Both the sides are heard. The papers of investigation were made available for perusal of this Court.

2. The crime is registered on the basis of directions given by the learned J.M.F.C. to Yusuf Wadgaon Police Station, Dist. Beed, to make investigation under section 156(3) of the Criminal Procedure Code. It is registered at C.R. No.128 of 2016 for offences punishable under sections 307, 326, 323, 504, 506 read with section 34 of the Indian Penal Code. The complainant - Mahadeo Kangle is the real brother of applicant Nos.1 & 2 and applicant Nos.3 and 4 are sons of applicant No.2. There was some dispute between the complainant on one side and the applicants on the other. The allegations are made that on 12.03.2016 at about 12.00 noon all the applicants came to the house of the complainant, called him outside of the house and picked up quarrel. The allegations are made that during the quarrel, applicant No.1-Sundar gave blow of spade on the head of the first informant. The allegations are made that during the quarrel and when the blow was given, accused Nos.2 and 3 were holding the complainant and accused No.4 had assaulted the witness. It is contention of the complainant that he had approached the police and police had referred him to the Rural Hospital. He has contended that he was then sent to SRT Hospital at Ambajogai and he was indoor patient till 15.03.2016.

3. The materials collected show that there is

evidence of eye witnesses. The MLC and medical record show that one blow was given and that had caused injury like CLW on fronto temporal region. CT Scan was done and haematoma was found on frontol region. There was depressed fracture on right frontol bone. There was cerebral oedema also.

4. In view of the record, it can be said that applicant No.1 can be blamed for the aforesaid injury and he had made an attempt on the life of the complainant. There is no such material as against applicant Nos.2to4. Considering the relationship between the parties, this Court holds that it is not desirable to keep applicant Nos.2 to 4 behind the bar till disposal of the case. However, applicant No.1 is to be made to realize that he had put the life of the complainant/real brother in danger by giving blow of spade on his head. Therefore, this Court holds that bail cannot be granted to applicant No.1.

i. In the result, the application of applicant No.1-Sundar s/o.Sambhaji Kangle is rejected. However, liberty is granted to him to apply to this Court again after 15.06.2017.

ii. The application of applicant No.2-Rajendra s/o.

Sambhaji Kangle, applicant No.3-Ganesh s/o. Rajendra Kangle and applicant No.4-Dashrath s/o. Rajendra Kangle is allowed. Applicant Nos.2 to 4 be released on bail in connection with Crime No.128 of 2016 registered with Yusuf Wadgaon Police Station, Dist. Beed, for the offences punishable under sections 307, 326, 323, 504, 506 read with section 34 of the Indian Penal Code, on their furnishing PR & SB of Rs.15,000/- (Rupees Fifteen Thousand) by each of them.

iii. Applicant Nos.2 to 4 are not to tamper with the prosecution witnesses and they are not to commit similar offence.

[T.V. NALAWADE, J.]