

1 Ambadas Popat Brahmane, Age 30
years, Occ. Agriculture. ... Applicants

2 Kishor Tukaram Brahmane, Age 32
years, Occupation Agriculture,

Both R/o. Pimpalner, Tq.
Parner, District Ahmednagar.

The State of Maharashtra ... Respondent

Mr. Jaydeep Chatterji, Advocate for the applicants
Mr. A.R. Borulkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 27th June, 2017

1. On the basis of the information given by Ganesh Narayan Pathare, offence came to be registered against the present applicants and others with Police Station Supa District Ahmednagar at Crime No. 3/2017, for the offences punishable under section 307, 325, 324, 323, 143, 147, 149, 149 of

the Indian Penal Code and Sections 3/25, 27, 4/25 of the Arms Act.

2. The contents in the first information report are that, on 02.01.2017 at about 6 p.m. when the informant returning from Wadegavhan and when he reached near Nagar-Pune high-way, at that time another accused Ishwar Bramhane, present applicants and other persons formed unlawful assembly and started assaulting him owing to some frivolous previous dispute. The accused persons were carrying wooden logs, wooden stamps and iron rod and assaulted the informant. He sustained grievous injuries. When the injured Sujit and Prakash tried to intervene, Ishwar had fired a bullet from his pistol at the head of Sujit. The accused assaulted Prakash by wooden log. The statement of the informant Ganesh was recorded in the hospital.

3. On the basis of the above information crime is registered. During the course of investigation the applicants were remanded to P.C.R. for 07 days and thereafter they were remanded to M.C.R.

4. The learned APP opposed the bail application, as all the accused persons are charged for the offences of forming unlawful assembly. The learned APP further submits that, there was free fight between two groups. They were pelting stones on each other. Therefore, the offence came to be registered against the complainant as well as the injured witnesses.

5. During the course of arguments, learned counsel Mr. Chatterji appearing for the applicants-accused points out certain contradictions in the statement of the witnesses and stated that, their evidence on the same fact is inconsistent and contrary to each other. He further submits that, during the course of investigation one stick is recovered from the possession of accused Ambadas and iron rod and sword were recovered from the possession of accused Kishor. He further submits that, one of the injured Ganesh is discharged from the hospital. He had four injuries, out of which there were two fracture injuries. Another injured Sujit is still in the hospital.

6. I have gone through the medical papers produced on record, from which, it appears that, the bullet was removed by doing operation. Considering the allegations against the present applicants, it appears that, the allegations against them are of assaulting the complainant and witnesses by means of iron rod, wooden logs, wooden stumps. The applicants were available for interrogation. They were interrogated and after completion of the investigation now the charge-sheet is filed.

7. Mr. Chatterji, learned counsel for the applicants further points out that four accused of the counter case have been released on anticipatory bail by the learned Sessions Judge and some of the co-accused were released on regular bail.

8. Considering the nature of the offences and the fact that the investigation is over, the accused-applicants can be released on bail by putting certain conditions. Hence, following order :

O R D E R

(1) The applicants shall be released on bail in

connection with Crime No.03/2017, registered with Police Station Supa Tq. Parner, District Ahmednagar, on their executing P.R. Bond of Rs. 25,000/- [Rs. twenty five thousand only] each with one solvent surety in the like amount.

(2) The applicants shall not enter the village limit of Mavlewadi Tq. Parner Dist. Ahmednagar till conclusion of the trial.

(3) The applicants shall not contact the prosecution witnesses and shall not tamper with the prosecution evidence in any manner and to co-operate the investigation.

9. Criminal applications disposed of.

(K. L. WADANE, J.)

mkd/-