

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

CRIMINAL APPLICATION NO. 2918 OF 2017

Raju Tukaram Korde **... Applicant**
Age 35 years, occu: Agri.
R/o Behind Asaram bapu Ashram
Makbara Road, Begumpura,
Aurangabad

VERSUS

The State of Maharashtra, **... Respondent**
Through Police Inspector,
Begumpura Police Station,
District Aurangabad.

Mr. P. D. Bachate, Advocate for the applicant
Mr. A. A. Joshi, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 3rd August, 2017

ORDER:

1. Heard Mr. Bachate, learned counsel for the applicant and Mr. Joshi, learned APP for the State.
2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No.149/2016, registered with Begumpura police Station, District Aurangabad for the offences punishable under sections 307, 325, 427, 143, 147, 148, 149, 504, 509 of the Indian Penal Code and under section 135 of the Mumbai Police Act.
3. The informant lodged a complaint against the

applicant and other accused persons alleging that he is having ancestral landed property bearing Gat No.99/1 and 99/2. Civil dispute was going on between the family of the informant and the family of the applicant. The said civil dispute is decided in favour of the informant and this Court had directed to handover possession of the land to the informant and his father. Accordingly, officer of the Revenue Department have given physical possession of the land to the family of the informant on 31.08.2015. It is alleged that informant and his family are in possession of the land and they have placed board of the judgment of the court at the site. On 21.07.2016, when the informant, along-with his brother Prabhakar and Sudhakar were ploughing the field, at about 2.00 p.m., the present applicant and other accused persons arrived there along-with 30-35 unknown persons and present applicant said that he is owner of the land. On which the informant said that possession of the land is given in to them by the officers of the Revenue Department as per the order of the court. On which, the applicant told the informant that he does not know any order of the

court and asked the informant to leave the field immediately. Thereafter, the present applicant and other accused persons assaulted the informant and his brothers. On the basis of the information the offence as referred above came to be registered against the accused persons.

4. On perusal of the statement of witness-injured Prabhakar, it appears that the other accused persons and the present applicant assaulted this witness, due to which he felled down, thereafter this applicant lifted a big stone and with an intent to commit murder, thrown it on the head of the witness Prabhakar and again he tried to assault him. Due to the assault, this witness Prabhakar became unconscious. Similar statements are made by the other eye witnesses.

5. On perusal of the injury certificate, it appears that there are five grievous injuries caused to the witness Prabhakar. From the Report of the Investigating officer it appears that the accused persons in the aforesaid crime have pelted stone on the police and Revenue officials when they went to deliver possession of the land to the informant

and his father as per order of the Court. From the conduct of the accused persons, it appears that they are not law abiding persons. There are ample evidence to constitute offence under section 307 of the IPC. Therefore, the applicant is not entitled for bail. The criminal application is rejected.

(K. L. WADANE, J.)

JPC