

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 6083 of 2017.**

1. Ramesh Dattatraya Nandre,
Age 48 years, Occ. Agriculture.
2. Samadhan Bhatu Patil,
Age 36 years, Occ. Agriculture.
3. Arvind Jijabrao Bhil,
Age 21 years, Occ. Agriculture.
4. Sharad Vithhal Patil,
Age 25 years, Occ. Agriculture.
5. Sangharsh @ Bhushan Kishor Nandre,
Age 18 years, Occ. Student.
6. Harischandra Dattatraya Nandre,
Age 43 years, Occ. Agriculture.
7. Bhushan Anil Suryawanshi,
Age 19 years, Occ. Student.
8. Kishor Dattatraya Nandre,
Age 44 years, Occ. Agriculture.
9. Anand Jijabrao Bhil, Age 21
years, Occ. Agriculture,

All r/o. Mohadi Pr. Dangri,
Tq. and Dist. Dhule.

... Applicants.

VERSUS.

The State of Maharashtra,
Through : Police Inspector,
Songiri Police Station,
Dist. Dhule.

... Respondent.

...

Advocate for the Applicants : Mr. D.S.Bagul.
APP for Respondent/State : Mr. S.Y. Mahajan.

CORAM : V.L. ACHLIYA, J.
DATE : 29th November, 2017.

ORAL ORDER :

1. The applicants have filed this application under section 439 of the Code of Criminal Procedure for release on bail in connection with Crime No. 104/2017 registered at Songir Police Station, District Dhule, for the offences punishable under sections 307, 143, 147, 148, 149, 323, 427 of the Indian Penal Code and under section 4/25 of Indian Arms Act. However, the application is withdrawn to the extent of applicants No. 1, 2, 5 and 6 with liberty to file fresh application after filing of charge-sheet. Thus in view of the statement made the application confines to release of the applicants No. 3, 4, 7, 8 and 9.

2. Heard learned counsel for the applicants No. 3,4,7,8 and 9 and the learned APP for the respondent /State.

3. In short, it is the contention of the learned counsel for the applicants that applicants are falsely implicated in the case on account of strained

relationship amongst the applicants and informant on account of educational institution of which members of the family of the applicants are the trustees. Informant also claims to be a trustee of trust. The dispute regarding acceptance of change-report is pending before Assistant Charity Commissioner. He submits that on account of animosity amongst the family of the applicants, the entire members of the family of the applicants including boys aged 16 years have been falsely implicated in the case. By referring the first information report, learned counsel submits that role attributed to applicants No.3,4,7,8 and 9 in commission of offences confines just to be present on the spot and assaulted by fist and kick blows. He submits that they were not armed with weapon. None of the injury sustained by informant and two other injured attributed to said applicants. He further submits that the investigation is practically over. The applicants have already undergone custodial interrogation. He submits that the applicants are ready and willing to abide by any conditions which may be imposed in the event of their release on bail.

4. On the other hand learned APP has opposed the application with contention that the names of the

applicants are mentioned in the first information report. They were members of unlawful assembly formed with object to make assault on the informant and members of his family. He further submits that the act was premeditated. If the applicants are released on bail, they may cause threat to the informant and his family members. The applicants, the informant and injured are residing in same locality. He therefore urged to reject the application.

5. On due consideration of the submissions advanced in the light of allegations made against them in first information report, role attributed to them in commission of the offence, and the fact that said applicants are lying in jail since 9.10.2017, I am inclined to allow the application. So far apprehension of prosecution that after release of applicants on bail they may pressurize the prosecution witnesses and may lead to further quarrel between the applicants and informant, same can be addressed by imposing certain stringent conditions. Hence, the following order is passed.

ORDER

1. Application is partly allowed.

2. Applicants No. 3, 4, 7, 8 and 9 be released on bail in connection with Crime No. 104/2017 registered at Songir Police Station, District Dhule, for the offences punishable under sections 307, 143, 147, 148, 149, 323, 427 of the Indian Penal Code and under section 4/25 of Indian Arms Act, on each of them furnishing bail in the sum of Rs. 15,000/- with one surety in the like amount, on following conditions.

- (i) They shall appear before the officer in-charge of police station Songir on every Sunday in between 10 to 11 a.m. to record their presence.
- (ii) They shall not enter into local limits of village Mohadi Pr. Dangri Tq. & Dist. Dhule.
- (iii) They shall not indulge into any act amounting to pressurizing and tampering of the prosecution witnesses.
- (iv) They shall not indulge into offences of same nature during the pendency of trial against them.
- (v) They shall furnish names and addresses of their three close relatives with phone numbers.

3. In the event of breach of any of the conditions, the bail granted to applicants liable to be cancelled.

4. Bail to be furnished in the Trial Court.

5. Application filed by applicants No. 1,2,5 and 6

is dismissed as withdrawn with liberty to file fresh application before the Trial Court after filing of charge-sheet.

6. Criminal application stands disposed of in above terms.

(V.L.ACHLIYA, J.)

mkd/-