

Anand

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

BAIL APPLICATION No.114 OF 2017

Yuvraj Nandkumar Dombé .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION No.688 OF 2017**

Nilraj Nandkumar Dombé .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Surel Shah a/w. Mr.Swaroop Karade, Advocate, for the
Applicant in B.A.No.114 of 2017

Mr.A.P.Mundargi, Senior Counsel i/b. Mr.Satyam Nimbalkar, for
the Applicant in B.A.No.688 of 2017

Mr.S.S.Pednekar, APP, for the Respondent - State in both
matters

CORAM : REVATI MOHITE DERE, J.

DATE : 05.04.2017

P.C.

. Heard learned counsel for the parties.

2. By these Applications, the Applicants seek their
enlargement on bail in connection with C.R.No.571 of 2016
registered with the Pandharpur City Police Station, Solapur for
the alleged offences punishable under Sections 307, 143, 147,

148, 149 & 506 of the Indian Penal Code.

3. The incident in question has taken place on 28.08.2016 at about 9.00 p.m. It is alleged by the complainant-Mahesh Laxman Ghule that when he was going on his motor cycle alongwith his friend Devidas Yuvraj Shelke to Dombé Galli, Pandharpur, the Applicant-Nilraj Dombé stopped him and asked “why don't you move around in our group” and started abusing. Thereafter, Applicant-Nilraj Dombé is alleged to have assaulted the complainant with a Sword on his hand; Shivraj Dombé is alleged to have assaulted him on his abdomen with a Gupti and the Applicant-Yuvraj and one Nandkumar Dombé are alleged to have assaulted with sticks. One Sarang Dombé is also alleged to have held the complainant from behind. It is alleged that when one Devidas Shelke tried to interfere, he was abused and threatened. Thereafter, the complainant was taken to Vitthal Hospital, Pandharpur for treatment.

4. Learned counsel for the Applicants submitted that due to political rivalry, the Applicants have been falsely implicated. It is submitted that the Applicant-Nilraj Dombé was an Ex-Municipal Councilor and that presently, his wife is a

Municipal Councilor. It is alleged that every time, on the eve of the elections, some false cases are filed against the Applicants. It is submitted that all the injuries except one, sustained by the complainant, are simple in nature.

5. Learned APP opposes the Bail Applications. He submitted that as far as the Applicant-Nilraj Dombé is concerned, there are seven cases registered against him and that the Applicant-Yuvraj Dombé has two antecedents. Learned senior counsel for the Applicant-Nilraj Dombé submits that out of seven cases, the Applicant has been acquitted in six cases and that he has been convicted only in one case which is for the offence punishable under Section 353 of the Indian Penal Code for a period of one month and that an Appeal against the said conviction is pending. As far as Yuvraj Dombé is concerned, learned counsel for the Applicant submits that the Applicant has been acquitted in both the cases. The same is not disputed by the learned APP.

6. Perused the papers.

7. Admittedly, there is no animosity between the

Applicants and the complainant. The incident took place on account of a trivial quarrel. It is evident from the Injury Certificate which is on page No.58 that the complainant sustained three injuries and that the injury on the chest was a grievous injury, whereas the other injuries were simple in nature. Learned APP has produced another Certificate of Yashodhara Super Speciality Hospital Pvt. Ltd. to show that the complainant had sustained more injuries. However, none of the injuries except the injury on the chest is stated to be grievous. Investigation is complete and charge-sheet is filed.

8. Considering the aforesaid, the Applicants are enlarged on bail on the following terms and conditions :

O R D E R

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall not enter the jurisdiction of Pandharpur City Police Station for a period of two months from today, except for the purpose of attending the Court and the police station;

(iii) The applicants shall attend the concerned Police Station on the **first Monday of every month** between **10:00 a.m. to 11:00 a.m.** till the conclusion of the trial;

(iv) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicants to cooperate in the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

9. The Applications are allowed in the aforesaid terms and are accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the

observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)