

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

CRIMINAL BAIL APPLICATION NO.200 OF 2017

Bapu Shivaji Barangule	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Fauzan Shaikh a/w Mr.Anukul Seth i/by Mr.M.V. Thorat for the applicant.

Mr.S.V.Gavand, Additional Public Prosecutor for the respondent.

CORAM : T.V. NALAWADE, J.

DATE : 8th August 2017

P.C. :

1. The application is filed for bail in C.R. No.236 of 2016 registered with Vairag Police Station for the offences punishable under Sections 302, 453, 504, 506 and 34 of the Indian Penal Code. Case is filed for these offences in Sessions Court. Both the sides are heard. Papers of the investigation were made available for perusal of this Court.

2. The papers of investigation show that there was some dispute between the family of the first informant, Bhairu Navnath Jadhav and Shriram Barangule. The present applicant is the cousin of Shriram Barangule. As Shriram Barangule was harassing the wife of Bhairu Jadhav, Bhairu had given a report to police against Shriram. Shriram became angry due to registration of crime against him.

3. The incident in question took place on 20th September 2016. At about 5.00 p.m., the first informant and his parents were present in the house. At that time, the present applicant, Shriram Barangule, Anil

Barangule, Dasharath Barangule, Parameshvar Salukhe and Mandakini Barangule entered the house of the first informant with weapons like sword, iron pipes etc. Allegations are made that Shriram Barangule and Anil Barangule gave blows of sword on the father of the first informant and the present applicant gave blows of iron pipes on the back of the father of the first informant. It is contended that when he tried to intervene, he was pushed aside and he was held by Dasharath Barangule and Parameshvar Salukhe. He has made an allegation that his mother was also assaulted by using fist blows and kicks. As the father of the first informant was seriously injured, he was shifted to the hospital but on the way to the hospital, he died. A report was filed on the same day. A crime was registered on the basis of the report against these persons. Submission was made that the police filed a report under Section 169 of the Code of Criminal Procedure in respect of Anil Barangule and Parameshvar Salukhe.

4. The papers of investigation are consistent with the aforesaid allegations. Learned counsel for the applicant submitted that two neighbours had initially given statements but they retracted from the statements by saying that they did not know anything about the incident. It can be said that due to said approach and the other circumstance, the Investigating Officer fairly dropped the names of Anil Barangule and Parameshvar Salukhe. Other evidence is, however, convincing and it is consistent with the allegations made against the remaining accused including the present applicant. The main injury was caused on head due to sword by Shriram. The present applicant had given blows of iron pipe on the back of the deceased and post mortem report shows that one contusion was found on right side back of the deceased, size 1.5 cmx1 cm

and this injury was caused by hard and blunt object. One CLW was found on right side of lower back and this injury was also caused by hard and blunt object. Clothes of the present applicant are taken over. The circumstance that the present applicant came with main accused and he entered the house of the first informant with main accused and main accused used the sword needs to be kept in mind in such case. Material is sufficient to make out a prima facie case of common intention. There is also material of active participation against the present applicant. In view of these circumstances and as there is possibility of tampering with the prosecution witnesses, this Court holds that bail cannot be granted to the present applicant. In the result, the application is rejected.

T.V. NALAWADE, J.