

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1053 OF 2017**

1.	Mahesh Sugriv Maskar;	
2.	Jayram @ Ravindra Bajirao Maskar	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr. M. S. Mohite i/b Mr. Milind Deshmukh for the Applicants

Mr. S. H. Yadav, A.P.P for the Respondent-State

PC Mr. Suryakant Baliram Magar, from Natepute Police Station, Solapur (Rural), is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 25th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 1 of 2017 registered with the Natepute Police Station, Solapur, for the alleged offences punishable under Sections 307, 323, 143, 147, 149, 506 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that the applicants have been falsely implicated in the said case. He submitted that with

regard to the role allegedly played by the applicants, there are several discrepancies in the statement of the first informant (injured)-Asha as well as, in the ocular evidence.

4. Learned A.P.P opposed the application.

5. Perused the papers. The complainant-Asha Lokhande was residing with her husband and children at Village Karunde. It appears that as the mother-in-law of the complainant had sold 9 gunthas of land, out of the common land bearing Gat No. 681, allotted to them, to Dashrath Jagtap, there was a dispute regarding the same. It also appears, that civil proceedings are also pending between the parties, in the Civil Court, at Malshiras. The incident took place on 5th January, 2017 when the complainant's husband was out of station and she was alone in the house. According to the complainant-Asha, at about 10:00 a.m., all the accused i.e. 16 accused came in the field, along with the tractor for taking possession of the said land. It is alleged by her, that when she obstructed, she was assaulted and was dragged to the courtyard of her house. She has alleged that co-accused Suresh poured kerosene on her person and co-accused

Dashrath set her ablaze. Pursuant thereto, the complainant sustained burn injuries on her face, chest, legs, abdomen and hands. When her husband learnt about the incident, he took her on the motorcycle and admitted her to the hospital. At 4:40 p.m., the complainant's FIR was registered. The complainant-Asha, has alleged that the applicants alongwith others held her, and dragged her to the courtyard of her house, after which, co-accused-Suresh poured kerosene on her person and co-accused Dashrath set her ablaze by lighting a match-stick. In her statement dated 6th January, 2017, Asha, has not disclosed about being dragged to the courtyard of her house. She has only made general allegations against all accused and has specifically stated that co-accused Suresh poured kerosene on her person and co-accused Dashrath set her ablaze.

6. There are five eye-witnesses to the incident, i.e. Sachin Kare, Padmini Sul, Bhagubhai Patole, Sonali Kare, Sheshabai Lokhande. It is pertinent to note, that none of these five eye-witnesses, have stated that Asha was dragged to her house by any of the accused. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (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 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;
- (iii) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest places of residence and mobile contact numbers 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;

- (v) The applicants to cooperate with the conduct of the trial.
- 8. The application is accordingly disposed of.
- 9. 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.
- 10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.