

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL BAIL APPLICATION NO. 1616 OF 2017****Basavraj Mahadev Dindore****..... Applicant
(Org.Accused No.2)****VERSUS****The State of Maharashtra****..... Respondent****ALONGWITH****CRIMINAL APPLICATION NO. 712 OF 2017****IN****BAIL APPLICATION NO. 1616 OF 2017****Madhukar Dhondappa Dindore****..... Intervener
(Org.Complainant)
Proposed Respondent No.2****IN THE MATTER BETWEEN****Basavraj Mahadev Dindore****..... Applicant****VERSUS****The State of Maharashtra****..... Respondent**

Mr. M.S.Mohite, i/b. Mr.V.V.Purwant for the Applicant.

Mr.N.J.Mohite, i/b. Mr.Jaydeep D.Mane for the Intervenor.

Mr.S.R.Agarkar, A.P.P. for the State.

Mr.Indrajeet Sonkamble, API, Valsang Police Station, Solapur present.

CORAM : T.V.NALAWADE, J.**DATE : 7th AUGUST, 2017****P.C.**

The application is filed for bail in C.R.No.115 of 2017 registered in Valsang Police Station, for offences punishable under sections 302, 504, 506 read with section 34 of the Indian Penal Code and section 25 of the Arms Act. Both the

sides are heard.

2. The papers of investigation were made available and charge-sheet is also filed against the present applicant.

3. The papers of investigation show that there is dispute between Ms.Bhagirati and the complainant. The complainant is real brother of Bhagirati and the complainant thinks that the accused persons including the present applicant were instigating Bhagirati to demand partition. It is the allegation that the present applicant and the other accused persons were supporting Bhagirati and due to that the incident the question took place.

4. The incident took place on 19th March,2017. In the morning time Bhagirati visited the residential place of the complainant and there was talk between Bhagirati and the complainant. The allegation is made against the main accused that the main accused and one Mr.Anna were present on the spot in the morning and they were asking Bhagirati not to give up the claim and they said to her that the complainant was deceiving her.

5. After sometime of the aforesaid talk, the main accused Mr.Bapu Dindore, the present applicant and other two persons came on two motor cycles towards the residential place of the complainant. The allegation is made that the present applicant was holding a chopper, Bapu was holding gun, Siddharam was holding revolver and other accused was holding axe. The allegations are made that Bapu then fired bullets at the complainant and others like Mallikarjun. The bullets hit Mallikarjun and then all the accused ran away. Mallikarjun died due to the bullet injuries. Crime was registered on the same day for the aforesaid offences. The

applicant came to be arrested on 20th March, 2017.

6. The PM Report shows that injuries caused only by the bullets were found on the dead body. It can be said that the oral evidence will be given against the applicant that he was in the company of accused no.1 when he fired bullet from gun at the deceased.

7. The papers shows that there is no circumstantial evidence against the applicant. The allegation is made that he was supporting the aforesaid lady.

8. In view of the facts and circumstances of the present matter and as it is not certain as to how much time will be required for completion of the case, this court holds that bail application needs to be allowed and so the order :-

(a) Bail Application No. 1616 of 2017 is allowed. The applicant is to be released on bail in C.R.No.115 of 2017 registered with Valsang Police Station, Solapur on his furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences.

(b) Intervention application is disposed of. He is allowed to assist A.P.P.

(T.V.NALAWADE, J.)