

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

BAIL APPLICATION NO.1776 OF 2016

Sangram Dagadu Bhangе	 Applicant
versus	
State of Maharashtra	... Respondent

**WITH
CRIMINAL APPLICATION NO.776 OF 2016
IN
BAIL APPLICATION NO.1776 OF 2016**

Rajendra Siddheshwar Pandhare	 Intervenor
-------------------------------	-----------------

IN THE MATTER BETWEEN

Sangram Dagadu Bhangе	 Applicant
versus	
State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO.179 OF 2017**

Ashok Dattatray @ Dattu Bhangе	 Applicant
versus	
State of Maharashtra	... Respondent

.....

- Mr.M.S. Mohite, Advocate a/w. Mr.Y.J. Bhangе, Advocate a/w. Mr.P.R. Dave, Advocate a/w. Mr.Akshay Gosavi, Advocate for the Applicant in BA Nos.1776/16 and 179/17.
- Mr. Shirish Gupte, Senior Advocate i/b. M.V. Thorat, Advocate for Intervenor in Cri.APPP No.776/16.
- Mr.S.S. Pednekar, APP for the State/Respondent.
- Mr.D.S. Nikam (API), Mohol Police Station.

CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 08th MARCH, 2017.

P.C. :

1. These two applications are decided together by common order as both the accused are facing same charges under sections 143, 147, 148, 149, 307, 120-B, 109, 117, 324, 212, 323, 506 of Indian Penal Code and under section 4 r/w 25 of the Arms Act and under section 135 of the Maharashtra Police Act, in C.R.No.263/16 registered at Mohol Police Station, Solapur, at the instance of one Rajendra Siddheshwar Pandhare on 11/04/2016.

2. It is the case of prosecution that one Manohar Dongare and his group was having political rivalry with co-accused Pratap Jaysingh Bhange, Kailas Nivrutti Khadke, Sanjay @ Kinchya Ashok Bhange and others. In the Gram Panchayat election of November 2015 of village Shetfal, Taluka – Mohol, District – Solapur, a panel of injured Manohar Dongare was elected and panel of the applicants/accused and the co-accused

lost the election. Therefore the applicants/accused and the co-accused were having animus against the injured and the complainant and other persons.

3. On 11/04/2016 in the morning at around 09.00 a.m. Manohar Dongare was going to Siddheshwar Temple to offer his prayers. At that time the applicants/accused alongwith co-accused Pratap Bhangе, Kailas Khadke, Vishal Bhangе armed with weapons attacked Manohar Dongare. They all assaulted him. Informant Rajendra Pandhare alongwith Ramesh Bhangе and other two tried intervened to save the complainant and Ramesh Bhangе also got injured. Manohar Dongare was thereafter shifted to the hospital. He was severely beaten and in attack he lost his two fingers of his left palm. Thereafter Rajendra Pandhare approached police and present offence was registered. The applicants/accused Ashok Bhangе and Sangram Bhangе both were arrested on the next day i.e. 12/04/2016. Hence this bail application.

4. The learned counsel for the applicants/accused submitted that the applicants/accused are innocent. They have not committed any offence. The incident of assault has taken place out of political rivalry and therefore the names of the applicants/accused are falsely implicated as the assailants. The learned counsel further submitted that there is no recovery of any weapon from either of the accused. The applicant/accused Sangram Bhangе is 24 years old and there are no criminal antecedents against him. There is only case pending against Ashok Bhangе. However, it is counter blast of the case filed against the injured and the other accused have assaulted two sons of Ashok Bhangе. He further submitted that in all there are 13 persons implicated in this case. However, no specific role is attributed to Sangram Bhangе. He further submitted that charge-sheet is filed in this case.

5. The learned prosecutor and the learned senior counsel for the complainant both have submitted that it is case u/s 307 of the Indian Penal Code, where the injured Manohar Pandhare

was providentially saved. Due to timely medical aid, he survived. The learned prosecutor and learned senior counsel both have relied on the complaint, the statements of the injured persons, so also the injury certificates of Manohar Pandhare and other persons. The learned counsel and learned senior counsel both submitted that there is recovery of one Sattur from the farm of Ashok Bhange on 15/04/22016 at the instance of co-accused Sanjay Bhange. It was further submitted that one case i.e. C.R.No.129/15 u/s 324, 327 is pending against the applicant/accused Ashok Bhange. The applicants/accused have motive to assault Manohar Pandhare. It is further submitted that the applicants/accused are politically active persons and they are likely to assault the complainant and the witnesses if they are released on bail.

6. Perused the FIR, the statements of witnesses and injury certificates. On perusal of the injury certificates it is found that Manohar Pandhare was brutally attacked. He lost his two fingers of his left palm. He has suffered CLW, incised wounds on his

body. Undoubtedly attack was premeditated and many persons were involved in the attack. The record also shows that the groups of injured and the applicants/accused are political hostile groups and they are indulged into physical assault earlier i.e. in the year 2015 and in the present case, as per the statements of the witnesses Ashok Bhangе was holding Sattur and Sangram Bhangе was holding stick. Prima facie, it appears from the FIR and the statements that Ashok Bhangе alongwith others have assaulted Manohar Pandhare. Sangram Bhangе was holding stick. Though it is offence u/s 147, 149 of the Indian Penal Code, he is attributed lesser role compared to the other accused. He does not have criminal antecedents and he is in the prison since 12/04/2016.

7. Considering all these circumstances and considering the evidence prima facie and the statements made by both the counsels, I refuse the bail to Ashok Bhangе and allow the application of Sangram Bhangе. Hence I pass following order :

ORDER

- (a) Application of applicant/accused Ashok Bhangе is rejected.
- (b) Application of applicant/accused Sangram Bhangе is allowed on following terms and condition :
 - (i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/- with one or two solvent sureties in the like amount.
 - (ii) The applicant/accused shall attend all the Court dates.
 - (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant and injured persons or any other witnesses in this case.
 - (iv) The applicant/accused shall not indulge into any criminal activity against human body.
 - (v) The applicant/accused shall take permission of the Court if he wants to leave India.

8. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)