

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1678 OF 2016

Dipak Popat Bhange

... Applicant
(Original Accused No.3)

Versus

State of Maharashtra

...Respondent

.....

Mr.Ashok B.Tajane for the Applicant.

Mr.Rajan Salvi, APP for the State-Respondent.

Mr.B.B.Jadhav, PSI, Mohol Police Station (present).

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CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 27th January 2017

P.C.:

1. This application is moved for pre-arrest bail, as the applicant-accused is prosecuted for offences punishable under sections 302, 143, 147, 149, 323, 504, 506 of the Indian Penal Code in C.R.no. 352 of 2016 registered with Mohol Police Station, Solapur. The incident of assault has taken place on 19th May 2016 at 8.00 a.m.

2. One Trishala Sarejrao Lavate, the complainant alongwith her husband i.e. deceased Sarjerao Lavate and her two sons were on the farm. At that time, the applicant-accused, his father and other persons arrived. There was a dispute in respect of the land between two families. Suddenly, co-accused Popat Bhange started abusing deceased Sarjerao Lavate, and when deceased Sarjerao Lavate retaliated, they all

attacked him. Her husband fell down, and at that time co-accused Popat Bhangе sat on his chest and gave fist blow on his chest. Other persons including co-accused kicked her husband and gave fist blow. When she tried to rescue, other two persons and co-accused pulled her and assaulted her. When her two sons intervened at that time, co-accused Popat Bhangе and the present applicant-accused Dipak Bhangе assaulted her son Sudarshan with hand. Her husband was severely beaten and he died on the same day due to rupture of the heart. Hence, the offence was registered.

3. The learned counsel for the applicant-accused submits that the learned Sessions Judge has granted pre-arrest bail to his brother Dinesh and co-accused Bapu and Vijay. However, bail of the applicant – accused was rejected on the ground that the role attributed to the applicant-accused is different. The learned counsel has submitted that as per the F.I.R. and other statements, the applicant-accused and his father assaulted her son Sudarshan. He submitted that Sudarshan had received only simple injury. There is no criminal record against the applicant-accused.

4. The learned prosecutor opposed this application. He submitted that Sudarshan was beaten up by the applicant-accused alongwith his father. However, the prosecutor, on instructions of the

Investigating Officer, confirms that the applicant-accused does not have any criminal record.

5. Perused the F.I.R, other statements, order of the Sessions Court and the injury certificate of Sudarshan. The injury certificate discloses that there was one abrasion on forearm. The injury is simple. The deceased died because of the rupture of the heart and as per the F.I.R., it was Popat Bhange, who sat on his chest and gave fist blow on his chest.

6. In view of these facts, I confirm the order of ad-interim bail, which was earlier granted by the order dated 26th October 2016, with the same terms and conditions as mentioned below:

ORDER

- (i) In the event of arrest of the applicant in CR.No.352/2016 registered with Mohol Police Station, District Solapur, the applicant shall be released on bail on his furnishing PR bond of Rs.30,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7. Therefore, Anticipatory Bail Application is disposed of.

(MRIDULA BHATKAR, J.)