

Anand

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

CRIMINAL APPLICATION NO.642 OF 2015

Dattatraya Tatoba Pandhare

.Applicant

Vs.

1. The State of Maharashtra
2. Kakasaheb Namdev Pandhare
3. Vishnu Namdev Pandhare

.Respondents

Mr.M.A.Patil i/b. Mrs.S.Y.Lengare, Advocate, for the Applicant
Mr.S.S.Hulke, APP, for the Respondent No.1 – State
Mr.M.A.Patil, Advocate, for the Respondent Nos.2 & 3

CORAM : REVATI MOHITE DERE, J.

DATE : 14.07.2017

P.C.

. By this Application, the Applicant (Original Complainant) seeks cancellation of the bail granted to Respondent Nos.2 & 3, by the learned Additional Sessions Judge, Pandharpur vide Order dated 23.07.2015 in Cri.M.A.No.135 of 2015.

2. Learned counsel for the Applicant submits that the learned Judge has granted bail on the ground of parity, when in fact, there was no parity with the other co-accused, who were enlarged on bail by this Court. He submits that a perusal of the FIR shows the complicity of the Respondents – accused.

3. Learned counsel for the Respondent Nos.2 & 3 opposes the Application. He submits that there is nothing on record to show that after the Respondent Nos.2 & 3 were enlarged on bail by the learned Additional Sessions Judge, Pandharpur vide Order dated 23.07.2015, the Respondent Nos.2 & 3 have breached any of the conditions of bail.

4. Perused the papers, including the Order dated 23.07.2015 passed by the learned Additional Sessions Judge, Pandharpur by which the Respondent Nos.2 & 3 were enlarged on bail. The incident has taken place on 19.07.2014 at 1.00 p.m. in the land of the Complainant i. e. Gat No.68 Udanwadi, Sangola. It is alleged by the Complainant, that the accused persons came on his land and that they were armed with iron pipes and gun and that the accused objected to the Complainant leveling his land. It is alleged that the Respondent No.2 – Kakasaheb assaulted the Complainant with an iron pipe on his head and legs and that the Respondent No.3 – Vishnu assaulted Bhau Jaywant with an iron pipe on his legs and right arm. It appears that the Complainant – Dattatraya has sustained four simple injuries. Bhau Jaywant's Certificate is not on record. The Respondent No.3 is alleged to have assaulted Jaywant and Arjun. As far as Arjun is concerned, he is also alleged to have been assaulted by Namdev and other co-accused. Arjun has sustained four

simple injuries and one grievous injury on the left tibia. It is also not in dispute, that after the said Order dated 23.07.2015, granting bail was passed, no untoward incident has been reported nor is there any allegation that the Respondent Nos.2 & 3 breached any of the conditions imposed on them by the learned Additional Sessions Judge, Pandharpur vide Order dated 23.07.2015. Considering the role assigned to Respondent Nos.2 & 3, the order enlarging the Respondent Nos.2 & 3 on bail, cannot be said to be either perverse or unsustainable.

5. Considering the aforesaid, no ground is made out, for cancelling the bail granted to Respondent Nos.2 & 3, by the learned Additional Sessions Judge, Pandharpur vide Order dated 23.07.2015 passed in Cri.M.A.No.135 of 2015.

6. Accordingly, the Application is dismissed.

(REVATI MOHITE DERE, J.)