

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

BAIL APPLICATION NO. 2869 OF 2017

1	Ravindra Pandurang Bhatale.	
2	Suresh Balwant Sawant.	
3	Sagar Prabhakar Bhatale.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

WITH
CRIMINAL APPLICATION NO. 1167 OF 2017
IN
BAIL APPLICATION NO. 2869 OF 2017

Asha Sunil Baddare.	... Applicant.
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In the matter of

1	Ravindra Pandurang Bhatale.	
2	Suresh Balwant Sawant.	
3	Sagar Prabhakar Bhatale.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

Mr. A.P. Mundargi, Sr. Counsel i/b. Mr. Abhishek Yende, advocate for Applicants.

Mr. Satyavrat Joshi, advocate for intervenor.

Mr. S.H. Yadav, APP for State.

Mr. M.R. Patil, PSI Radhanagari Police Station.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : DECEMBER 20, 2017

P.C.:

1 Heard the learned Counsel for the applicants, learned Counsel for the intervenor and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 7/11/2017 in Crime No. 140 of 2017 registered at Radha Nagri Police Station for offence punishable under section 143, 147, 148, 149, 326, 323, 504 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 17/10/2017 Asha Baddare lodged a report at the police station alleging therein that on 17/10/2017 her husband Sunil Baddare had participated in the victory procession of winning candidates of grampanchayat, Radha Nagri. At about 8 p.m. the complainant had learnt that there was some scuffle between both the groups. On that day when the procession was passing from front of the house of the applicants there

was a scuffle in which her husband got injured. She had rushed to the spot and accompanied her husband in the ambulance in the Civil Hospital. That while in transit, upon enquiry, her husband had disclosed to her that at about 8 p.m. when the procession was passing from front of the house of the applicants, accused Rajendra Bhatale and others had assaulted her husband with sword. That the applicants herein had abused him and had assaulted him with fists and kick blows and when he raised hue and cry, miscreants had fled from the spot. On the basis of this report, offence came to be registered.

4 Learned Senior Counsel appearing for the applicant submits that the only allegation levelled against the applicants is that they had abused and assaulted the victim with fists and kick blows and therefore, they deserve to be enlarged on bail.

5 As against this, learned APP submits that there is recovery of stick at the instance of the present applicants. It is also submitted that

injured had sustained about five grievous injuries and hence, the applicants herein do not deserve to be enlarged on bail.

6 The learned Counsel for the intervenor vehemently submits that in the eventuality that the applicants are granted bail, they would tamper with the evidence and they may be responsible for the law and order situation in the village Radha Nagri.

7 Taking into consideration the facts of the case, it appears that there was a scuffle between two rival political groups. Moreover, there are 3 reports against the group of the injured including C.R. No. 147 of 2017 for offence punishable under section 143, 147, 148, 149, 326, 323, 504, 506 read with section 34 of the Indian Penal Code. The report was lodged by Suresh Sawant. Similarly, NCR No. 296 of 2017 was also registered on the same day in respect of the same incident. In view of the above, the applicants herein deserve to be enlarged on bail.

8 However, it is made clear that the observations made hereinabove are prima facie in nature and restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The trial Court shall not be influenced by the above observations at the time of hearing of application for discharge or quashing of FIR or at the time of trial. The same be decided on its own merits.

9 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each with one or more solvent sureties in the like amount.
- (iii) The applicants shall not reside within grampanchayat jurisdiction of Radha Nagri.

(iv) The applicants shall not tamper with the evidence.

10 The Application stands disposed of accordingly.

11 In view of disposal of the Bail Application, Intervention application is allowed and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)