

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.511/2017

Bhagwan S/o Murlidhar Dahatonde and another

..Vs..

State of Maharashtra through Police Station Officer Mehkar, Police Station
Lonar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.B. Patil, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 14.6.2017.

Heard.

The applicants are arrested in crime registered against them and their father for the offence punishable under Sections 324, 323, 341 and 506 read with Section 34 of the Indian Penal Code and Section 3(1)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The crime is registered on complaint lodged by Mahadeo Shivaji Trambake that the accused assaulted him, his brother and his uncle by steel rod, stick and fists and also humiliated him by abusing.

The application is opposed on the ground that there is ample evidence showing the involvement of the applicants in the crime and the applicants and the complainant are neighbours and if the applicants are released on bail, there is possibility of an untoward incident.

Undisputedly there is a civil dispute between the parties regarding right of way through the field of uncle of complainant. In proceedings before the Revenue Authorities, the claim of the accused for right of way through the field of the uncle of the complainant is upheld. The applicant No.1 claims to be an Agriculturist and the applicant No.2 claims that he is in service. The applicants have stated that they are not involved in any other crime / offence earlier. In the reply filed by the investigating agency before the Sessions Court (copy of which is placed on record alongwith this application at page 21) it is stated that weapons used in crime are seized. The non-applicant has not been able to point out that custody of the applicants is required for further investigation.

Considering the facts of the case, I am convinced that the applicants are entitled to be released on bail.

Hence, the following order:

The applicants having been arrested in Crime No.172/2017 registered by the non-applicant, they be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) each and one solvent surety in the like amount for each of the applicant.

(iii) The application is allowed in the above terms.

JUDGE