

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

BAIL APPLICATION NO.2391 OF 2017

Maruti Muttappa Pawar & Ors. Applicants
Vs.
The State of Maharashtra Respondent

**WITH
BAIL APPLICATION NO.2815 OF 2017**

Amol Gangappa Kunchikorvi Applicant
Vs.
The State of Maharashtra Respondent

**WITH
BAIL APPLICATION NO.2819 OF 2017**

Papya @ Rakesh Shankar Dhudhal.... Applicants
& Ors.
Vs.
The State of Maharashtra Respondent

Mr. Umesh R. Mankapure for the Applicants.
Mr. S.R. Agarkar, APP for the State.
Mr. Balwant Salunke for Intervener.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : 16th February, 2018

P.C.:

1 Heard the learned counsel for the applicants and the
learned APP. Perused the papers of investigation.

2 These are the applications under Section 439 Code of Criminal Procedure. The applicants herein are arrested on 15th July, 2016. The applicants Ashok Balaram Makadwale @ Jundhale, Monya @ Vishal @ Yellappa Babu Pawar, Ravi alias Ashok Masu Pawar, Amol Gangappa Kunchikorvi and Maroti Muttappa Pawar arrested on 6th July, 2016 in Crime No.112 of 2016 registered at Vishrambag Police Station, Sangli. The investigation is completed and charge-sheet is filed against the present applicants and two others for the offences punishable under Sections 302, 307, 120(B), 143, 147, 148, 149, 323, 504 of Indian Penal Code and under Section 135 of Maharashtra Police Act.

3 It is the case of the prosecution that on 4th July 2016, Devendra Ramavva Kamble lodged a report at the police station alleging therein that he and his brother run auto-rikshaw in the city of Sangli. That brother-Ravindra Kamble alleged that a few days ago trifling quarrel with Durgesh Nagappa Pawar and Prashant Nagappa Pawar a few days ago. Since then both of them had grudge against his brother Ravindra. On 4th July, 2016, when they were at the rikshaw stand, Durgesh had called upon Ravindra and threw chilly powder in his eyes and soon thereafter he alongwith Prashant had assaulted Ravindra with stone on his forehead. There was an altercation. The first informant and his relatives had rushed to the spot and at that time the present applicants had assaulted them with

fists and kick blows. Ravindra had sustained bleeding injury on his head and therefore the first informant and his brother-in-law Macchindra Mane had rushed him to the civil hospital, Sangli. He was declared dead on admission.

4 Perused the post-mortem notes. Column no.17 shows contusion on left side frontal bone black coloured 5 cm x 5 cm., linear abrasion of hand dorsal aspect horizontal at bone of index finger and abrasion on left elbow posterior aspect. There was depressed fracture to the forehead. All injuries were ante-mortem. The cause of death was intra-cranial haemorrhage with fracture of skull bone due to head injury. Perused the injury certificate of Macchindra Mane. He had sustained one C.L.W. on his right parieto occipital region, which was described as a simple injury. Swelling on right hand and there was nasal bleeding, which was described as grievous injury but after X-ray report of the nose shows that there is no obvious fracture in visualised bone. Devendra had not sustained any apparent injury on his person. Raju had sustained one abrasion and one contused lacerated wound at the base of nose, which was described as a simple injury.

5 The first informant happens to be an eye witness. The statement of witnesses are recorded under Section 164 Cr.P.C. All the statements would show that Durgesh and Prashant are the

authors of fatal injuries sustained by deceased Ravindra and that the present applicants had caused simple injuries to the witnesses. The applicants are in custody since July, 2016. There was the proposal to prosecute under the provisions of MCOCA and the sanction has been denied. In the above mentioned facts, the applicants, who are in custody for more than 1½ years deserve to be enlarged on bail on imposing certain stringent conditions.

6 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The applications are allowed.

2 The applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

3 The applicants shall not reside in Sangli city till conclusion of trial except for attending the scheduled dates at the Court.

(*Smt. Sadhana S. Jadhav, J*)