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

CRIMINAL BAIL APPLICATION NO.421 OF 2018

1.	Rajendra Pandharinath Barade	
2.	Vitthal Parshuram Barade	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.P.D.Kavale, for the Applicants.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.90 of 2016 registered with the Padgha Police Station, Thane Rural, for the alleged offences punishable under Sections 302, 307, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.
3. Learned Counsel for the applicants submitted that admittedly

the applicants are not alleged to have assaulted the deceased-Anjanibai. He submitted that with respect to the incident dated 6th May, 2016, a cross FIR/Complaint has also been lodged by the applicants' side alleging offences punishable under Sections 324 etc. of the Indian Penal Code. He submitted that in the incident, co-accused – Pandharinath has also sustained an injury. He submitted that the entire family has been implicated in the aforesaid case.

4. Learned APP opposed the application.

5. Perused the papers. The incident has taken place on 6th May, 2016, at about 12 noon. It appears that the parties are *inter se* related and that some incident had taken place a few days prior thereto, as well as on 6th May, 2016 at 11.00 a.m. It also appears that there used to be intermittent quarrels between both the sides over the claim and possession of an open plot of land. According to the prosecution, on 6th May, 2016, at about 11.00 a.m., the complainant's-Vivek Patil's niece informed him that there was a quarrel going on between the co-accused-Manjula, her husband and her son with Shubhangi and her grandmother. The said quarrel was pacified,

however, on the very same day, at about 12 noon, it is alleged by the complainant that co-accused – Mangal had gone on a motorcycle and had abused the complainant's paternal uncle and that there was some altercation between them. In the said altercation, Manjula's husband, assaulted Ravindra on his head with a wooden log. As far as applicant no.1-Rajendra is concerned, he is alleged to have assaulted Vaibhav with a wooden log/टिकाव on his hand. The said injury caused on the hand is stated to be a grievous injury. As far as applicant no.2-Vitthal is concerned, he is alleged to have abused and assaulted Keval also with a wooden log on his head. The said injury is a CLW injury. The applicants are admittedly not alleged to have assaulted Anjanibai (deceased) . With respect to the incident dated 6th May, 2016, at 12 noon there is across FIR/complaint lodged by the applicants' side alleging offences punishable under Sections 324 etc. Co-accused Pandharinath is alleged to have sustained some injury in the said incident. The applicants are in custody since May 2016 and October, 2016 respectively. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each, with one or more sureties in the like amount;
- ii) The Applicants shall not reside in village Tulshi, till the conclusion of the trial. However, liberty is granted to the applicants to file an application, seeking modification/relaxation of the said condition after a reasonable period;
- iii) The Applicants shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicants shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)