

27- BA 1405 of 2018

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

BAIL APPLICATION No. 1405 OF 2018

Mr. Pradip Rajaram Deshmukh	...Applicant
Vs.	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION No. 733 OF 2018
IN
BAIL APPLICATION No. 1405 OF 2018**

Shivaji Ramchandra Sid	...Proposed Intervenor
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In the matter between

Mr. Pradip Rajaram Deshmukh	...Applicant
Vs.	
The State of Maharashtra	...Respondent

Mr. Shekhar Arvind Ingawale for Applicant
Mr. Tejas Hilage for Intervenor
Mr. S.H. Yadav -APP
Mr. D.S. Mane, Constrable Vadgaon Police Station, Kolhapur.

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JUNE 28, 2018

P.C.

1. Heard. This is an application under Section 439 of the Criminal

Procedure Code.

2. The Applicant herein has been arrested on 28th May, 2018 in Crime No. 163 of 2018 registered at Vadgaon Police Station, Kolhapur for the offences punishable under section 307, 452, 427, 143, 147, 148, 149, 325, 504, 506 of the Indian Penal Code and under Section 7 of the of Criminal Amendment Act.

3. It is the case of the prosecution that on 24th May, 2018, Shivaji Ramchandra Sid lodged a report at the police station alleging therein that he was elected member of of Hatkalangale Panchayat Samiti during the period 2007-2017. That the rival group was headed by the present Applicant and that the mother of the present Applicant had got elected. In the Grampanchayat Election also the brother of the Applicant got elected of the rival group i.e. of the First Informant. That present Applicant happens to be the chairman of Shri Parashar Co-operative Housing Society. That the said housing society is mismanaged, the funds are misappropriated. In view of this, one Prabhakar Salunkhe, who happens to be the co-worker with the First Informant had lodged a complaint to the District Deputy Registrar, Co-operative Societies against the mis-management and mis-appropriation in Shri Parashar Co-operative Housing Society. On 14th May, 2018, the District Deputy Registrar, pursuant to the complaint filed by Mr. Salunkhe had passed an order of appointment of

Arbitrator on the said society. On the said order passed by the DDR, the stay was granted by the Minister for State Co-operation and Textile. That Prabhakar Salunkhe and his driver had been to the office of DDR as their statements were to be recorded, there were verbal altercations between both the groups. The driver of Prabhakar Salunkhe had lodged a report at the police station in respect of the said incident.

4. On 24th May, 2018, the First Informant had been to the police station to inquire about the progress of the report lodged by them. However, the PSI was not present and therefore, they had marched towards the office of the Superintendent of Police and had met the Dy.S.P. Mr. Mane. They were directed to file a First Information Report at Vadgaon Police Station in respect of the same. They reached at 4.30 p.m. However, at 5.00 p.m. the First Informant was informed that Bhagwan Patil and Nilesh Huzare that they were assaulted by the people belonging to the group of the present Applicant. Thereafter, the present Applicant and his brother Prakash Deshmukh, who were armed with sticks have mounted assault on the people belonging to other group. That there were riot like situation. Soon thereafter, the police had taken control of the situation.

5. The cross complaint is filed by one of the member belonging to the

group of the Applicants. On the basis which of Crime No. 164 of 2018 is registered at Vadgaon Police Station in respect of the same incident.

6. Perused the papers of investigation, more particularly, injury certificate. The injury certificate of the Complainant Shivaji Sid shows that he had sustained four simple injuries in the nature of abrasion and contusion on non-vital parts of the body such as ankle, lower leg etc. Manohar Doijad has sustained simple injury on his head. Whereas Sitaram Hujare had also sustained three simple injuries. The members of the group of Applicant have also sustained injuries. Some of the accused in Crime No. 164/2018 have been granted pre-arrest bail.

7. The learned counsel for the Applicant submits that a riot like situation has occurred due to political rivalry. Since 2002, the group of the present Applicant had won the election at the level of panchayat samiti and Grampanchayat election. As against this, the learned counsel for the Intervenor vehemently submits that besides the said injury certificate, one of the members had almost lost vision of one eye. According to the learned counsel for the intervenor, the group of the Applicant was aggressive and, therefore, the

incident had occurred.

8. In view of the aforesaid facts and also the fact that the Applicant is in custody since 28th May, 2018 and that the investigation is practically completed and it is the case of cross complaint where the complainant and his associates had sustained simple injuries, the Applicant herein has made out a case for grant of bail. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) The application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall report to the concerned police station on every Sunday till filing of the charge-sheet.
- (iv) The Applicant shall not reside within the jurisdiction of Vadgaon Police Station till filing of the charge-sheet.

Criminal Bail Application No. 1405 of 2018 stands disposed of in the aforesaid terms.

Intervention application No. 733 of 2018 is heard, allowed and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]