

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

BAIL APPLICATION No. 1448 OF 2018

Shri Ulhas @ Balu Nivrutti Khadake & Ors.Applicants

Vs.

The State of Maharashtra

....Respondent

Mr.A.H.H. Ponda i/b. Ms. Geetanjali Shinde for Applicants

Mr. Vinod Chate- APP

Mr. B.B. Jadhav – PSI, Mohol Police Station,
Solapur (Gramin)

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 4, 2018

P.C.

1. Heard. This is an application under Section 439 of the Criminal Procedure Code.
2. The Applicants herein are arrested in Crime No. 263 of 2016 registered at Mohol Police Station for the offence punishable under Section 307, 3245, 143, 147, 148, 149, 506 r/w. 149, 120(B), 109, 117 of the Indian Penal Code.
3. It is the case of the prosecution that in the village Shetfal there are two political groups. One group is headed by Manohar Dongare while other group

is headed by the present Applicants and other accused persons. In the Gram Panchayat election of November, 2015 of village Shetfal, a panel of Manohar Dongare was elected and present Applicants and other co-accused person's panel lost the election. Since then, the present Applicants were having grudge in their minds against Manohar Dongre, informant Rajendra Pandhare and other persons.

4. On 11th April, 2016 at about 9.15 a.m. the informant Rajendra Pandhare had gone to Siddheshwar Temple for offering prayer. Manohar Dongare had also come there to offer prayer. At that time, the present Applicants and other co-accused came there holding sword, scythe, sickle, iron pipe and sticks in their hands. They all assaulted Monohar Dongare. When Informant Rajendra Pandhare, Ramesh Bhange and other two persons tried to intervene the quarrel, to save Manohar Dongare, they also sustained injuries. The present Applicants and other co-accused had brutally assaulted on the face, neck, left hand, left leg, knee of Manohar Dongare with the aid of sword, sickle, scythe, iron pipe and sticks. Due to said assault, Manohar Dongare sustained grievous injuries and he was taken to the hospital. Thereafter, the Informant Rajendra Pandhare set the criminal law in motion by lodging report at Mohol Police Station against the present Applicants and other co-accused. On the basis of report, an offence

punishable under section 307, 323, 324, 143, 147, 148, 506 r/w. 149, 120-B, 109, 117 of the Indian Penal Code and under section 135 of the Bombay Police Act and under section 25(4) of Arms Act came to be registered against Applicants and other co-accused.

5. The learned counsel for the Applicants submits that the Applicants are innocent and have not committed any offence as alleged in the FIR. The incident of assault had taken place out of political rivalry and, therefore, their names have been falsely implicated in the FIR. The role attributed to Applicant Nos. 1 and 3 is that they were armed with sickle whereas Applicant No. 2 had facilitated the assault. The Applicants were arrested on 19th April, 2016 and since then they are behind bars. Likewise they are ready to abide by the terms and conditions which may be imposed by this Court while considering the present bail application. Hence it is prayed that they may be enlarged on bail.

6. Perused the papers of investigation and submissions advanced across the bar and more particularly the fact that the Applicants are in custody since 2016, they deserve to be enlarged on bail. The observations are prima facie in nature and shall not be considered for discharge or at the time of trial. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- each and one or more sureties in the like amount.
- (iii) The Applicants shall report to the concerned police station as and when called.

Criminal Bail Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]