

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1955 OF 2018

1. Bunty Pandharinath Bhagat, Age 21 years,
2. Rajesh Arun Gharat, Age 22 years,
3. Arun Parshuram Gharat, Age 50 years,
4. Jagdish Arun Gharat, Age 24 years,
5. Bajrang Arun Gharat, Age 28 years,
All r/o.Village Vadavali, Tal.Bhiwandi,
District Thane, presently in Kalyan Jail.

Applicants

versus

The State of Maharashtra

Respondent

Mr.Prabha Badadare for applicants.

Ms.A.A.Takalkar, APP, for State.

Mr.R.C.Padwale, Constable, Padagha Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. The applicants are arrested on 17th July 2018 in connection with CR No.I-151 of 2018 registered with Padgha Police Station for offences under Sections 326, 450, 425 read with Section 34 of Indian Penal Code. Initially the offences were only registered under Sections 324, 427, 147, 148, 149, 504, 506 of Indian Penal Code.

2. The prosecution case is that the complainant and others were assaulted by using stick by present applicants. It is alleged that on 19th June 2018 when the informant was at home, he heard shouts outside his house and when he came out of house the accused came

running towards him and on seeing him he went into his house. The accused trespassed into his house on account of informant supporting one Nilesh Warghade and he was assaulted with fist blows as well as by stick. The FIR was registered on 20th June 2018.

3. It is also apparent that applicant no.1 has also lodged FIR with the same police station against the complainant and others vide CR No.152 of 2018 for offences u/s 324, 323, 143, 147, 148, 149 of IPC. The case of the applicants is that the applicant nos.1 and 2 were proceeding towards the house of their friend to attend pooja. While passing the complainant asked the applicant no.1 as to why he is staring at complainant and a quarrel had erupted between them. The complainant went inside his house and came with iron patti and gave a blow on the neck of applicant no.1. The other persons from the family of present complainant also came with wooden sticks and gave blows which caused injuries to applicant no.1.

4. Learned APP pointed out the medical certificate issued in respect to the injuries sustained by the complainant Sandesh Warghade which indicates that he has sustained two injuries viz contusion to left eye and right leg little finger which was simple in nature caused by hard and blunt object. On the basis of these injuries, apparently offence u/s 324 and other offences were registered. However, the complainant had approached the private hospital and obtained medical certificate which refers to fracture to his little finger and therefore police added charge u/s 326 of IPC. Admittedly there are cross cases by both the parties. The offence was also registered u/s 324 of IPC and the injuries were apparently simple in nature. Learned APP on instructions submitted that the

accused in the cross case were arrested and they were granted bail. The applicants herein are in custody from 17th July 2018.

5. In the circumstances, bail can be granted to the applicants on certain terms and conditions. Hence, I pass following order :

ORDER

- (i) The applicants are directed to be released on bail in connection with CR No.I-151 of 2018 registered with Padgha Police Station, Bhiwandi on furnishing PR bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;
- (ii) The applicants shall report the Investigating Officer of Padgha Police Station, Bhiwandi once in a fortnight on every first and fourth Friday between 10 a.m. and 12 noon till filing of charge sheet;
- (iii) After filing of charge sheet, the applicants shall report to the investigating officer of Padgha Police Station, Bhiwandi once in a month on every second Saturday between 10 a.m. and 12 noon till further orders;
- (iv) The applicants shall not tamper with the evidence and shall not approach the witnesses;
- (v) Criminal Bail Application No.1955 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST