

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

BAIL APPLICATION NO.2514 OF 2018

1. Pandurang Manohar Balte	
2. Kishor @ Keshav Vitthal Balte	
3. Ramesh Balu Balte	...Applicants
Versus	
The State of Maharashtra	...Respondent

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Mr. Rahul S. Kadam for the Applicants.
Mr. Rajan Salvi, APP for the Respondent-State.
Mr. N.M. Thombre, ASI-Indapur Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd OCTOBER, 2018.

P.C.:-

At the outset the learned counsel for the Applicants seeks leave to amend the application so as to delete ground (2). Leave is granted. Amendment to be carried out forthwith.

2. This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicants, who have been arrested in C.R. No.394 of 2018 registered with Indapur Police Station, Pune (Rural), for offences punishable under Sections 143, 147, 148, 324 and 326 r/w. 149 of the Indian Penal Code, 1860.

3. Heard Mr. Rahul Kadam, the learned counsel for the Applicants and Mr. Rajan Salvi, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by one Ashok Dattatray Balte. A perusal of the FIR prima facie reveals that there were some differences between the first informant and the Applicants over installation of a motor in the paddy field. The first informant claims that on 23.5.2018 at about 10.30 a.m. the co-accused-Sagar had told him that he would not allow him to install the motor and irrigate the field. The first informant claims that Sagar abused him and thereafter assaulted him by means of a koyta. These Applicants also came to the spot of the incident alongwith the other co-accused and assaulted the first informant with iron rods and sticks. The medical certificate prima facie reveals that one of the injuries sustained by the first informant was a grievous injury caused by blunt trauma.

5. The records also reveal that the co-accused Sagar had also lodged a cross complaint against the first informant-Ashok Balte and

others in respect of the same incident. Pursuant to the said complaint the FIR No.391 of 2018 for offences punishable under Sections 395 and 307 of the IPC has been registered.

6. The records prima facie indicate that the dispute over installation of a motor led to a free fight between the members of both groups, resulting in injuries to persons of both groups. The contention of the first informant is that the Applicants and the other co-accused had assaulted the first informant with iron rods and sticks. The allegations in the FIR are general in nature. The first informant and the witnesses have not attributed specific overt act to the Applicants. This being the case, prima facie the Applicants cannot be held responsible for the injury sustained by the first informant.

7. Considering the above facts and circumstances, in my considered view the Applicants are entitled for bail. The Applicants are permanent residents of Taluka-Indapur, hence there are no chances of their absconding or fleeing from justice. The learned APP submits that there are no criminal antecedents as against these Applicants.

8. Considering the above facts and circumstances, the bail

application is allowed on following terms and conditions:-

- (i) The Applicants, who are arrested in C.R. No.394 of 2018 registered with Indapur Police Station, Pune (Rural), shall be released on bail on furnishing bail bonds of Rs.30,000/- each with one or two solvent sureties in the like amount.
- (ii) The Applicants shall furnish their permanent as well as temporary addresses, if any, and their contact details to the concerned investigation officer.
- (iii) The Applicants shall not change their residential addresses without prior intimation to the concerned investigation officer.
- (iv) The Applicants shall not interfere with the first informant and /or other witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)