

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

BAIL APPLICATION NO.2662 OF 2018

1. Laxman Ajinath Nanware
2. Balasaheb Dnyandev Shinde
3. Hanumant Ajinath Nanware

...Applicants

Versus

The State of Maharashtra

...Respondent

.....

Mr. V.V. Purwant for the Applicants.

Mr. A.D. Kamkhedkar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th OCTOBER, 2018.

P.C.:-

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.706 of 2018 registered at Karmala Police Station, District-Solapur (rural), for offences punishable under Sections 143, 147, 148, 307, 323, 324, 504 and 506 of the Indian Penal Code, 1860 and Section 135 of the Bombay Police Act, 1951.

2. Mr. V.V. Purwant, the learned counsel for the Applicants submits that there is previous rivalry between two groups, which had resulted in the said incident. He submits that the Applicant No.1 has

lodged the FIR against the first informant and other witnesses in the subject crime. He submits that members of both the groups had sustained injuries. The learned counsel for the Applicants further submits that the injury sustained by Ashok are simple in nature and that the Applicants were not armed with any dangerous weapons. He further submits that considering the above aspect, the Applicants are entitled for bail.

3. Mr. A.D. Kamkhedkar, the learned APP for the Respondent-State concedes that the injuries sustained by the witnesses in this crime are simple in nature. He further submits that investigation is almost concluded and the charge sheet will be filed shortly.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicants and the learned APP for the Respondent-State.

5. The records indicate that the aforesaid crime was registered pursuant to the FIR lodged by one Kailas Kangude. It is the case of the first informant that on 7.9.2018 at about 7.45 a.n. the Applicants and others formed an unlawful assembly armed with weapons and that

they assaulted Dilip and Ashok with swords, tommy, stones and fists and kicks and blows. The FIR indicates that the Applicant No.1 had assaulted Dilip Gaikwad by means of a stone whereas the Applicant Nos.2 and 3 had assaulted Ashok Gaikwad and Dilip Gaikwad by kicks and blows. The Applicant No.1 was arrested on 8.9.2018 whereas the Applicant Nos.2 and 3 were arrested on 7.9.2018. They are presently in judicial custody and their presence is no longer required for the purpose of investigation or interrogation. The records also reveal that the Applicant No.1 had also lodged a cross complaint against the first informant and others. The material on record thus reveals that there was a dispute between both the groups.

6. Considering the above facts and also considering the role attributed to these Applicants in the aforesaid offences, in my considered view the Applicants are entitled for bail. Hence, the following order:-

- (i) The Applicants, who have been arrested in C.R. No.706 of 2018 registered at Karmala Police Station, District-Solapur (rural), shall be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two solvent sureties in the like

amount.

- (ii) The Applicants shall furnish their permanent addresses as well as temporary addresses, if any, and their contact details to the 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 tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
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