

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2156 OF 2017**

Sanjay Ashok Bhange	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 1139 OF 2017
IN
CRIMINAL BAIL APPLICATION NO. 2156 OF 2017**

Rajendra Siddheshwar Pandhare	..	Intervener
And		
Sanjay Ashok Bhange	..	Applicant
vs.		
The State of Maharashtra		Respondent

Mr. Niteen Pradhan a/w Ms. Ameeta Kuttikrishnan i/b. Ms. Shubhada Khot, for the applicant.
Mr. Ajay Patil, APP, for the State.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 12th January, 2018.**

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C.
The applicant herein is arrested on 29.4.2016 in Crime No.263 of 2016 registered at Mohol Police Station, Solapur, for the offences punishable

under Sections 143, 147, 148, 149, 307, 120B, 109, 117, 212, 323, 324, 506 of the Indian Penal Code.

2. It is the case of the prosecution that the first informant as well as the present applicant are residents of village Shetfal, Taluka Mohol. That in November 2015, the elections to the Grampanchayat Shetfal were held. That the panel belonging to Manoharbhau Dongre had got elected. That at the annual festival of the deity of the village, there was an altercation between both the political rival groups. They had lodged reports against each other.

3. That on 11.4.2016, one Rajendra Pandhare was admitted in Civil Hospital at Solapur in an injured condition. It appeared to be a medico-legal case and hence his statement was recorded. According to him, he had been to offer his prayers in Siddheshwar Temple. At that time, Kailash Khadke and others had mounted assault upon Manoharbhau Dongre. There was an altercation between both the rival groups. There are more than 15 persons who are named in the FIR. In the first information report, no specific act is attributed to the applicant.

4. The statement of one of the witnesses namely Ramesh Bhange was recorded on 15.4.2016 wherein he has reiterated the allegations

levelled in the FIR and has further added that when the followers of Manoharbhau Dongre had attempted to rescue him, the present applicant and one Bablya had threatened the mob that in the eventuality any one attempted to intervene, they would meet with dire consequences. The supplementary statement of the first informant was recorded on 6.5.2016 and he has reiterated the allegations levelled by Ramesh Bhange on 15.4.2016. It is on the basis of these allegations that the applicant is arrested on 29.4.2016.

5. The learned counsel for the applicant vehemently submits that there is no specific overt act attributed to the present applicant in the first information report as well as the statement of the witnesses. All the witnesses have categorically stated that the applicant had threatened the members of the rival group of dire consequences. It is also submitted that the applicant has not participated in the assault of Manoharbhau Dongre. The learned counsel for the applicant submits that there have been intermittent altercations between both the rival groups. The applicant is in custody for more than 18 months and therefore, deserves to be enlarged on bail.

6. The observations are restricted to an application under Section

439 of Cr.P.C. and the same shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

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/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall not reside in the village Shetfal till the conclusion of the trial.

The application stands disposed of.

In view of the disposal of the present application, the Intervention Application is heard, allowed and disposed of.

(SMT. SADHANA S.JADHAV, J.)