

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2877 OF 2019

Satish Bhupal Ghaste

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyavrat Joshi i/by Nitesh J. Mohite for applicant.

Mr.S.H.Yadav, APP, for State.

Mr.VD.Mane, Police Head Constable, Miraj Gramin Police Station,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 2nd December 2019

PC :

1. This is an application for bail in CR No.417 of 2018 registered with Miraj Gramin Police Station, Sangli. The FIR was registered on 29th August 2019 under Sections 307, 324, 323, 143, 147, 148, 149, 506 of Indian Penal Code. The FIR was lodged by Rayappa @ Pintu Naik.

2. The case of prosecution is that there are two groups in Village Bolvad. The groups in the Gram Panchayat are lead by two persons. The applicant is from the group of Sachin Kamble. On 28th August 2019 there was meeting of Gram Sevak. It was attended by several persons. There was proposal of selecting Chairman for Gramsabha. One group was insisting that Sarpanch Suhas Patil be selected as Chairman of Gramsabha and applicant's group wanted Satish Dabade to be selected as Chairman. There was fight between two groups. The names of persons involved in the assault are mentioned in the FIR. The applicant and the co-accused Sachin Kamble were

instigating other that members of opponent group should be killed. The informant and his group members were assaulted by fist and kick blows. The applicant gave blow by knife on the informant. He suffered injury on the left side of his chest. The informant was removed to hospital.

3. There was a cross FIR registered on 4th June 2019 with the same police station. It was lodged by Sharad Naik from the applicant's group. He has stated that in the fight between two groups Sandip Pujari from opponent group had assaulted Sharad Naik and others with knife. Three persons were injured on account of assault and suffered severe injuries.

4. The other accused namely Nitin Kamble, Satish Servade, Amol Naik and Sachin Kamble had preferred application for anticipatory bail before this Court, which was allowed by order dated 10th October 2019. The case of prosecution qua applicant is that he had assaulted the complainant by knife. The informant had suffered two injuries. While granting anticipatory bail to the co-accused this Court has observed that the informant had suffered simple and minor injuries. The persons from the group of applicant, however, suffered serious injuries. Satish Dabade had suffered stab wound on his left side on umbilical region which is described as grievous injury. Satish Sarvade had also suffered stab sound and Sarvade suffered two injuries.

5. The applicant is arrested on 29th August 2019 and since then he is in custody. Learned APP submitted that overt act has been attributed to the applicant. He was instrumental in assaulting the

complainant by knife. The incident had arisen due to fight. There is one case pending against applicant.

6. However, as noted above, there was a fight between two groups. Cross case is registered from side of applicant. Three persons had suffered injuries from the applicant's side. Two of them had suffered grievous injuries. The co-accused are granted anticipatory bail by this Court. Although applicant is the person who had attributed role of giving blow by knife upon informant, it is relevant to note that applicant is in custody from 29th August 2019 and charge sheet has been filed on completing investigation. Hence, bail can be granted on certain terms. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2877 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.417 of 2019 registered with Miraj Gramin Police Station, Sangli, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall stay out of Miraj Gramin Police Station till conclusion of trial;
- (iv) The applicant shall furnish details of his residential address where he proposes to reside after he is released on bail, to the investigating officer;
- (v) The applicant shall report the nearest police station once in a month on every first Saturday between 10 am and 12 noon till further orders;
- (vi) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST