

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

CRIMINAL BAIL APPLICATION NO. 2084 OF 2018

Murlidhar Mahadu Bandal ...Applicant
Versus
The State of Maharashtra ...Respondent

***WITH
CRIMINAL APPLICATION NO. 1365 OF 2018
(For Intervention)
In
CRIMINAL BAIL APPLICATION NO. 2084 OF 2018***

Sachin Madhukar Dalvi ...Intervener.

In the matter between

Murlidhar Mahadu Bandal ...Applicant
Versus
The State of Maharashtra ...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO. 2110 OF 2018***

Suraj Damodar Bandal ...Applicant
Versus
The State of Maharashtra ...Respondent

***WITH
CRIMINAL APPLICATION NO. 1366 OF 2018
(For Intervention)
In
CRIMINAL BAIL APPLICATION NO. 2110 OF 2018***

Sachin Madhukar Dalvi ... Intervener.

In the matter between

Suraj Damodar Bandal

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ashok P. Mundargi, Senior Advocate i/b Ms. Swapna P. Kode for applicant in BA 2084/2019 @ APPP No. 1365/2018.

Mr. Ashok P. Mundargi, Senior Advocate i/b Satyam H. Nimbalkar for applicant in BA 2110/2018 and APPP No. 1366/2018.

Mr. Prasanna H. Shahane, for Intervener in both matters.

Ms. P.P. Shinde, A.P.P for the Respondent - State in both matters.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th August, 2019.

P.C. :

1. Heard learned counsel for the parties.
2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No. I-27 of 2017 registered with the Tokawade Police Station, Thane, for the alleged offences punishable under Sections 302, 324, 326, 143, 147, 149, 504 of the Indian Penal Code.
3. Perused the papers. The complainant-Sachin Dalvi is the brother of the deceased-Nitin. It appears that there is long standing dispute over land, between the complainant's family and the applicant's family and that there were court cases pending between them. According to the

complainant-Sachin, the incident took place on 31.03.2017 at about 4-00 pm, when he, his mother-Ratna and Nitin (deceased) were constructing a house on the land given by the Government. The complainant has alleged that the applicants along with other co-accused came to the spot and asked Nitin (deceased) to stop construction work on the said land, stating that the land belonged to them. It is alleged that Nitin stated that work would not stop, pursuant to which the accused allegedly stated that they should not shout and make noise. Thereafter, it is alleged that applicant-Murlidhar alongwith co-accused Damodar assaulted Nitin (deceased) with a bamboo stick. According to the complainant, when he and his mother-Ratna intervened, other co-accused including applicant-Suraj assaulted Nitin with an iron rod on his back and legs. It is alleged that the other co-accused assaulted Nitin and the complainant with fist and kick blows. In the said assault, Nitin sustained grievous injuries and was taken to the hospital where he succumbed to his injuries after 12 days i. e. on 11/04/2017. In the said incident, the complainant received simple injuries i. e. contusion on his elbow and abrasion on his knees. The complainant's mother-Ratna sustained several injuries which are stated to be simple in nature. As far as Nitin (deceased) is concerned, he sustained CLW over right and left shin of

tibia; contusion over right elbow, fracture of left elbow and right shoulder; abrasion over right knee; contusion over left arm, forearm, right wrist, right index, ring of middle finger and fracture of 3rd to 6th rib. The cause of death is 'hypovolemic shock due to hemopnumothorax with polytrauma due to multiple fracture'. Whether or not, the intention of the applicants was to cause the death of Nitin or to cause grievous hurt, is a matter which will be decided by the Trial Court. The applicants have no antecedents. Investigation is complete and charge-sheet is filed. The Applicants are in custody since April, 2017.

4. Considering the aforesaid, the Applications are allowed and the Applicants are enlarged on bail on the following terms and conditions :-

ORDER

- i) The Applicants be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 50,000/- each with one or two solvent sureties in the like amount;
- ii) The Applicants shall report to the investigating officer of the concerned Police Station, on the first Saturday of every month, between

10:00 a. m. and 11:00 a. m., till the conclusion of the trial;

iii) The Applicants shall not enter the jurisdiction of village – Bandalpada for a period of 18 months from the date of their release;

iv) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

vi) The Applicants shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court, within two weeks of their release;

vii) The Applicants shall co-operate in the conduct of the trial and attend all the dates before the trial Court, unless exempted by the trial Court;

5. The Applications are allowed and disposed of in above terms.
6. In view of disposal of the Bail Applications, the Intervention Applications do not survive and same stand disposed of accordingly.
7. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)