

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1130 OF 2020

1. Arjun Namdev Kokate
2. Deepak Arjun Kokate
3. Ramesh Suresh Kokate
Versus
The State of Maharashtra.

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WITH
BAIL APPLICATION NO. 1121 OF 2020

1. Sharad s/o Indrabhan Kokate
2. Nilesh @ Ajay s/o Rajendra Kokate
Versus
The state of Maharashtra.

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WITH
BAIL APPLICATION NO. 1129 OF 2020

Rajendra s/o Namdeo Kokate
Versus
The State of Maharashtra.

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Advocate for Applicants : Mr. Karpe Rahul R.
APP for Respondent : Mr. S B Narwade
Advocate to assist the A.P.P./informant : Mr. H U Dhage

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CORAM : V. K. JADHAV, J.
DATED : 21st OCTOBER, 2020

PER COURT:-

1. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1 Sharad Indrabhan Kokate in bail application No.1121 of 2020 with liberty to him to file an application for regular bail before the Sessions Court after filing of the charge-sheet. Leave granted. The application of applicant No.1 Sharad Indrabhan Kokate in bail application No. 1121 of 2020 is

disposed off as withdrawn with the liberty to him to file an application for regular bail before the Sessions Court after filing of charge-sheet.

2. So far as the applicants in bail application Nos.1129 of 2020, 1130 of 2020 and the applicant No.2-Nilesh @ Ajay s/o Rajendra Kokate in bail application No.1121 of 2020 are concerned, they are seeking bail in connection with crime No.I-776 of 2020 registered with Rahuri police station, Tq. Rahuri, District Ahmednagar for the offences punishable under Sections 307 (subsequently added), 326, 324, 323, 143, 147, 148, 149, 504, 188 of the Indian Penal Code. Their applications bearing Cri.Bail Appln Nos.1030/2020, 1031/2020 and 1029/2020, respectively, with similar prayer came to be rejected by the learned Additional Sessions Judge, Ahmednagar vide order dated 19.9.2020.

3. Heard both sides.

4. It appears that the incident had taken place on account of dispute of house property and further on account of construction of road in front of the house of the informant. It appears that the applicants-accused have some objection about construction of the said road. Though initially both the parties have accepted the proposal put-forth by the president of litigation free village for measurement of the property, however, it appears that subsequently the incident had taken place in the form of free fight. The applicants

so also the informant are the villagers/agriculturists. There is no criminal history. There are allegations in the complaint about causing injury on the head of the injured Suresh with the help of sickle against the applicant Sharad, whose application seeking regular bail came to be withdrawn today with liberty to him to file an application for bail after filing of the charge-sheet. So far as the injuries caused with the help of iron rod on the hands of the informant by co-accused Sham Kokate, he is not before this court as the applicant. It is informed that his application seeking anticipatory bail is still pending. Thus, considering the entire aspects of the case, further detention of these applicants is unwarranted and uncalled for. However, considering the dispute in respect of the house property, it would be just and appropriate if the entry of these applicants is restricted in the village till filing of the charge-sheet alongwith other conditions. Hence the following order:-

O R D E R

- I. Bail Application no.1130 of 2020 and 1129 of 2020 are hereby allowed and bail application no.1121 of 2020 is partly allowed.
- II. The applicants no.1. Arjun Namdev Kokate, 2. Deepak Arjun Kokate and 3. Ramesh Suresh Kokate in bail application no.1130 of 2020, the applicant no.2. Nilesh @ Ajay s/o Rajendra Kokate in bail application no.1121 of 2020 and the applicant Rajendra s/o Namdeo Kokate in bail application no.1129 of 2020 in connection with crime No.I-776 of 2020 registered with Rahuri police station, Tq. Rahuri, District Ahmednagar for the offences punishable under Sections 307 (subsequently added), 326, 324, 323, 143, 147,

148, 149, 504, 188 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.5,000/- (Rs. Five Thousand) each, with one surety each of the like amount on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence in any manner.
- b) The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 8.00 a.m. to 11.00 a.m. till filing of charge sheet.
- c) The applicants shall not enter within the limits of village Desvandi, Tq. Rahuri, District Ahmednagar till filing of the charge sheet.

III. All the three bail applications are accordingly disposed off.

(V. K. JADHAV, J.)

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