

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 BAIL APPLICATION NO. 1457 OF 2020

DATTATRYA RAGHO DEORE
VERSUS
THE STATE OF MAHARASHTRA

WITH
BAIL APPLICATION NO. 1422 OF 2020

1. HIMMATRAO PARSHURAM AHIRRAO
2. PRASHANT HIMMATRAO AHIRRAO
3. ROHIT HIMMATRAO AHIRRAO

.....

Advocate for Applicants in both BAs : Mr. Choudhari N. L.
APP for Respondent-State : Mr. S. P. Deshmukh

.....

CORAM : V. K. JADHAV, J.
DATED : 16TH DECEMBER, 2020

PER COURT :-

1. Learned counsel for the applicants seeks leave to withdraw Bail Application No. 1457 of 2020 filed by Dattatraya Ragho Deore and the application of applicant no.1 in Bail Application No. 1422 of 2020, namely, Himmatrao Parshuram Ahirrao, with liberty to file an application for regular bail before the Sessions Court after filing of the charge sheet. Leave granted. Bail Application No. 1457 of 2020 is disposed off as withdrawn, so also the

vre/-

application of applicant no.1 Himmatrao Parshuram Ahirrao in Bail Application No. 1422 of 2020 is disposed off as withdrawn with liberty to the applicants file an application for regular bail before the Sessions Court after filing of the charge sheet.

2. The applicant Nos. 2 and 3 in Bail Application No. 1422 of 2020 are seeking regular bail in connection with Crime No. 144 of 2020 (FIR No. 281/2020) registered with Sakri Police Station, Taluka Sakri, District Dhule for the offence punishable under Sections 307, 395, 354, 427, 452, 326, 143, 147, 149 of IPC. Their application with similar prayer bearing Criminal Bail Application No. 876 of 2020 came to be rejected by the Additional Sessions Judge-3, Dhule vide order dated 15.10.2020.

3. Learned counsel for the applicants submits that the investigation is almost over and the formality of filing charge sheet is only remained. There is a civil dispute between the parties in respect of an agricultural land and the litigation is now pending before the appellate court. The incident had
vre/-

taken place on account of the agricultural land which is the subject matter of the said civil litigation. The co-accused Himmatrao is the elder brother of the husband of the informant and the allegations have been made mainly against him. There are general allegations against applicant nos. 2 and 3 without specifying any individual acts. The informant and the other eye-witnesses have not sustained any serious injuries. There is no criminal history. Applicant nos. 2 and 3 may be released on bail.

4. Learned APP has strongly resisted the application of applicant nos. 2 and 3 on the ground that their names are mentioned in the FIR with a specific role attributed to each of them. Applicant nos. 2 and 3 are the sons of co-accused Himmatrao and they have actively participated in the actual commission of crime. Learned APP submits that even though the civil dispute was decided in favour of the informant's family, co-accused Himmatrao has threatened the informant's family as not to cut the standing maize crop. Learned APP submits that *prima facie* there is evidence

vre/-

about formation of an unlawful assembly. Applicant nos. 2 and 3 and the co-accused persons have assaulted the informant and the other family members with the help of deadly weapons. It has been alleged by the informant that co-accused Kalpana and the present applicant nos. 2 and 3 have torn the blouse on her person. There are also allegations about snatching of golden chain and earrings of the informant, so also 10 bags of wheat and the cash amount of Rs.30,000/- from the house. *Prima facie* there is strong case against the applicants. The investigation is still going on. There is possibility of tampering with the prosecution evidence. The applicants may not be released on bail.

5. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that the allegations have been made mainly against co-accused Himmatrao. So far as the charge under Section 307 is concerned, it has been alleged that co-accused Himmatrao tried to run over the tractor on the person of the husband of the informant. There are allegations against co-

vre/-

accused Dattatraya Ragho Deore, whose application seeking bail also came to be withdrawn. Almost on the same set of allegations, co-accused Kalpana came to be released on regular bail by the court below. Both the families are closely related to each other and I hardly find any possibility of commission of dacoity of golden articles etc. as alleged. There is no criminal history. Thus, by imposing certain conditions, I am inclined to release applicant nos. 2 and 3 on bail. Hence, following order.

ORDER

I. Bail Application No. 1422 of 2020 is hereby partly allowed.

II. The applicant Nos. 2. PRASHANT HIMMATRAO AHIRRAO and 3. ROHIT HIMMATRAO AHIRRAO in Bail Application No. 1422 of 2020 be released on bail in connection with Crime No. 144 of 2020 (FIR No. 281/2020) registered with Sakri Police Station, Taluka Sakri, District Dhule for the offence punishable under Sections 307, 395, 354, 427, 452, 326, 143, 147, 149 of IPC, on furnishing P.B.

vre/-

of Rs.15,000/- each with one surety each of the like amount on the 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 08.00 a.m. to 11.00 a.m. till filing of the charge sheet.

c] The applicants shall not enter within the limits of village Malanjan, Taluka Sakri, District Dhule till filing of the charge sheet

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

vre/-