

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

CRIMINAL BAIL APPLICATION NO.1033 OF 2020

1. Tushar Bhau Bhoir
2. Pramod Yashwant Bhoir ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. R.D. Suryawanshi, Advocate for the Applicant.
Mrs. Anamika Malhotra, APP for the Respondent – State.
Mr. S. V. Kadam, H.C. L.C.B. Thane Rural, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th JANUARY, 2021.

PER COURT:

1. The applicants are seeking bail in connection with C.R. No. I-53 of 2020 registered with Kasara Police Station, Thane Rural for offences punishable under Sections 307, 326, 323, 324, 143, 144, 147, 148, 149, 452, 108, 352, 427, 504, 506 & 188 of Indian Penal Code. The applicants were arrested on 7th May, 2020.

2. The case of the prosecution is that, First Information Report was lodged by Kiran Shantaram Vekhande. He is the resident of Village Mokhawane, Taluka Shahapur, Dist. Thane. It is alleged that on 6th May, 2020 at about 8.30 p.m. when he went out for walk after dinner, sagar Ramdas Bhoir and Naresh Dhavu Bhoir assaulted him with sword. Sagar Ramdas Bhoir gave blow of sword on rear

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part of head and palm of left hand. Naresh Dhavu Bhoir gave blow by sword. Complainant caught the sword resulted in injury to his fingers. It is further alleged that when family members and relatives of the complainant came to rescue him, relatives of Sagar Ramdas Bhoir and Naresh Bhavu Bhoir came there. Kailas Dhavu Bhoir, Vilas Dhavu Bhoir, Chandrakant Dhavu Bhoir, Ramdas Bhoir, Ashok Dattu Bhoir, Avinash Ashok Bhoir, Rajesh Ashok Bhoir and Jagdish Ramdas Bhoir came assaulted complainant's father on his head by sword and fist-kick blows on chest. It is further alleged that his cousin Gurunath Budhaji Vekhande was assaulted on head by sword and fist blows on chest by throwing chili powder in his eyes by Jagdish Vishnu Bhoir, Yogesh Vishnu Bhoir, Pravin Vishnu Bhoir, Pravin Yashwant Bhoir, Yashwant Waman Bhoir, Bhau Waman Bhoir, Tushar Bhau Bhoir, Rajesh Jairam Bhoir, Ranganath Jayram Bhoir, Ganesh Gajanan Bhoir, Vishnu Gajana Bhoir and they also assaulted Sagar Vekhande, Bharat Vekhande and others by sword and kick blows and thereafter they pelted stones on the house of complainant. It is alleged that in the said melee he lost his chain. The complainant and his relatives were shifted to hospital.

3. It appears that, prior to the registration of the present FIR complaint was lodged at the instance of the accused with the same police station vide C.R. No.I-52 of 2020 for the offence under

Section 324 of IPC and other connected offences. As a sequel to that incident the applicants and the co-accused had allegedly formed unlawful assembly and they were armed with weapons and assaulted the complainant in the present case and other witnesses. The investigation is completed and the charge-sheet is filed.

4. Learned counsel for the applicant submitted that the name of the applicant No.2 has not been referred to in the FIR. However, his role is reflected in the statement of Gurunath Vekhnde which was recorded subsequently and other witnesses. The statements were recorded on 18th May, 2020. It is further contended that, the persons to whom the applicant herein had allegedly assaulted had sustained simple injuries. It is submitted that cross case was registered which is prior in point of time.

5. Learned APP submitted that the offence is of serious in nature. The accused had formed unlawful assembly and they were armed with dangerous weapons. Several persons were injured in this case. Although the witnesses to whom the applicant had assaulted and sustained simple injury, one of the injured Shantaram Vekhnde had sustained grievous injury to his head. Applicant No.1 has one criminal antecedent. Both sides are from same village. Election of Grampanchayat are due. There may be law and order problem.

6. I have perused the documents it is apparent from the

record that there is enmity between two groups and cases are registered against each other. The injuries sustained by the persons to whom applicants had assaulted are simple in nature. There are no criminal antecedent against accused No.2 although one case registered against applicant No.1. The applicants are in custody from 7th May, 2020. Investigation is complete. Charge-sheet is filed. Considering the circumstances, bail can be granted on stringent terms and conditions. Hence, I pass following order.

ORDER

- (i) Bail Application No.1033 of 2020 is allowed;
- (ii) The applicants are directed to be released on bail in connection with C.R. No. I-53 of 2020 registered with Kasara Police Station on executing PR. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall stay out of jurisdiction of Kasara Police Station for a period of Six months and thereafter they shall reside out of the jurisdiction of Village Mokhawane till conclusion of trial.
- (iv) Application stands disposed of accordingly.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)