

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1817 OF 2021

Mohan Manohar Shirsath	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Madhukar Kale i/b Mayur Kale for the applicant.
Mr. Ghansham Jadhav for respondent no.2.
Mr. A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 20th AUGUST, 2021

P.C:-

1 Heard learned counsel for the applicant, learned App and learned counsel for the intervenor. The applicant before me is arraigned as Accused no.2 in the subject C.R which invoke Section 447, 324, 294, 323, 504, 506, 143, 148 and 149 of the IPC. The complainant is the injured who allege that he is an agriculturist and on the date of incident dated 9th June 2021, while he and his family members were carrying out agricultural operations, and plowing from their fields, 12 accused persons barged entry into the field and yelled at them as to why they had entered their piece of land. They blocked the tractors, when told by the complainant and his family that the land belong to them since in the 7/12 extract, their father's name is mutated, the assailants got annoyed. It is alleged that the complainant was

Tilak

pulled down from the tractor and Rahul assaulted him by means of a stick. The applicant Mohan is alleged to have assaulted in his head near the neck by means of an iron rod. Other persons who attempted to intervene were also assaulted by the other assailants. It is stated by the complainant that he became unconscious and was taken to the hospital for treatment. Total 12 persons are named as accused and they have been named in the FIR.

2 The learned APP has placed on record the injury certificate of the complainant who has sustained 4 injuries described as 'Simple' by the Medical Officer.

3 The injury certificate of the complainant from the Civil Hospital, Nashik, record blunt trauma on right middle finger and blunt trauma on right leg, both injuries are Simple. On being referred to a private hospital, other injuries are recorded:

- (i) Contusion – left chest wall
- (ii) Abrasion multiple over body
- (iii) Mild Odema over right occipital region

4 As far as Pratibha, Vikram who are alleged to have been injured, the injury certificate reflect abrasion. The C.T. Scan of brain of the complainant do not record any absurdity.

5 The accusations faced by the applicant is for the offence punishable under Section 307, which apparently is not made out. He is therefore, entitled of being released on bail in

the event of his arrest subject to the stipulation that he will co-operate with the investigation. Hence, the following order :-

O R D E R

- (a) In the event of his arrest, the Applicant – Mohan Manohar Shirsath, in connection with C.R.No. 40 of 2020 registered with Nashik Taluka Police Station, shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall not enter within the limits of Shival and not enter village Gowardhan,
- (d) The applicant shall report to the police station on every Monday between 10 am to 2 pm for a period of four weeks and as and when called by the Investigating Officer.

The Application is allowed in the aforestated terms.

SMT. BHARATI DANGRE, J