

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

BAIL APPLICATION NO. 1621 OF 2020

Vishnu Gajanan Bhoir ... Applicant

Versus

The State of Maharashtra ... Respondent

.....

Mr. Pandit Kasar, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 30th MARCH, 2021

PER COURT:

1. The applicant is 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 applicant was 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 part of head and palm of left hand. Naresh Dhavu Bhoir gave blow

by sword. Complainant caught the sword which 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 after 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, and applicant. 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 applicant and the co-accused had allegedly formed unlawful assembly. They were armed with weapons and assaulted the complainant and other witnesses. The investigation is completed and the charge-sheet is filed.

4. It is contended that, the persons to whom the accused 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. One of the injured Shantaram Vekhende had sustained grievous injury to his head. Both sides are from same village.

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 applicant had assaulted are simple in nature. There are no criminal antecedent against applicant. The applicant is in custody from 7th May, 2020. The other accused Tushar Bhoir and Pramod Bhoir were granted bail vide order dated 12th January, 2021. Investigation is completed. Charge-sheet is filed. Considering the circumstances, bail can be granted to applicant on stringent terms

and conditions. Hence, I pass following order.

ORDER

- (i) Bail Application No.1621 of 2020 is allowed;
- (ii) The applicant is 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 applicant shall stay out of jurisdiction of Kasara Police Station for a period of Six months.
- (iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)