

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 690 of 2021

[Bhanudas Ashru Shinde and two others ..vs.. State of Maharashtra through P.S.O. P.S. Sakharkheda,
Dist. Buldhana]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. D. Karode, Advocate for the applicants
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 28-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicants are seeking bail in connection with Crime 186/2021 registered with Sakharkherda Police Station, District Buldhana for the offences punishable under Sections 143, 147, 148, 149, 307, 323 and 504 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. The applicants and the other accused and the first informant and other injured are close relatives and the incident dated 8-6-2021 allegedly occurred due to a long

standing dispute over the boundary of the agricultural fields.

4. At the very outset, the learned Additional Public Prosecutor Mr. Rode points out that the investigation is ongoing and it would not be appropriate to release the applicants on bail. Mr. Rode would invite my attention to the injury certificates and the statements which are available in the case diary to buttress the submission that there is more than sufficient material to connect the applicants with the crime. Mr. Rode would further submit that keeping in mind the previous incidents between the warring families, releasing the applicants on bail is fraught with danger and the possibility of another serious untoward incident occurring cannot be ruled out.

5. I broadly agree with Mr. Rode, particularly, with the submission that since the investigation is ongoing, this Court should slow to grant bail, at least at this stage.

6. However, on perusal of the material in the case diary, I find that the role attributed to applicant 1

Bhanudas Ashru Shinde in the actual assault is limited. It is true that the investigating agency has invoked Section 149. Whether, there was common object to murderously assault the first informant and his family members will ultimately be ascertained after the evidence is adduced. At this stage, considering the limited role of applicant 1 Bhanudas and the fact that he is aged 77 years, impels me to consider his bail application favourably. Insofar as applicants 2 and 3 are concerned, considering the material in the case diary, at this stage, I am not inclined to grant bail and the applicants 2 and 3, namely, Shivaji Bhanudas Shinde and Ganesh Sheshrao Gangavate shall be at liberty to apply for bail afresh after the investigation is complete and the charge-sheet is filed.

7. Strictly in view of the role attributed to applicant 1 Bhanudas and his advanced age, this application is partly allowed subject to following conditions.

8. The applicant 1 Bhanudas Ashru Shinde be released on bail on furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount.

(a) The applicant 1 Bhanudas Ashru Shinde shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) The applicant 1 Bhanudas Ashru Shinde shall not enter the territorial limits of Village Daregaon, Tah. Sindkhed Raja, District Buldhana till the further orders. After the charge-sheet is filed, the applicant 1 Bhanudas Ashru Shinde shall be at liberty to apply for relaxation of the condition.

(c) The applicant 1 Bhanudas Ashru Shinde shall not leave the country without the permission of the jurisdictional Court.

9. The application is rejected as regards applicants 2 and 3, namely, Shivaji Bhanudas Shinde and Ganesh Sheshrao Gangavate with liberty to apply afresh after the

completion of the investigation and submission of the charge-sheet.

10. The application is disposed of in the aforesaid terms.

JUDGE

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