

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

CRIMINAL APPLICATION (BA) 1090 OF 2021

(Purushottam s/o. Dattu Shinde and anr..vs.. State, thr PSO, PS Sakharkherda, Tq. Sindkhed
Raja, District Buldana)

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

Court's or Judge's orders.

Mr. P.B. Patil, counsel for applicants.
Mr. N.S. Rao, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:28.10.2021.

Heard.

2. The applicants, who are son and father duo, are implicated in Crime 187/2021, registered with Police Station, Sakharkherda, Tq. Sindkhed Raja, for offences punishable under sections 326, 324, 504, 506 read with section 34 of Indian Penal Code.

3. The crime is registered on the basis of the statement of injured Mrs. Satyabhama, recorded at the hospital, which is treated as First Information Report. According to Mrs. Satyabhama, there was an ongoing dispute between her family and the family of the applicants on the issue of right to way / approach to the agricultural

field. Mrs. Satyabhama alleges that at 4.00 p.m. on 8.6.2021, when her family members were engaged in agricultural operations, applicant 2 Dattu was driving his bullock cart through their agricultural field. Sandip Ganwate and Ganesh Gangawate, who are the complainant's nephew objected. Dattu abused them and when the complainant, her husband, parents in law tried to intervene, the applicants and the co-accused assaulted first the complainant, and then, Sandip Gangavate and Ganesh Gangavate. According to Mrs. Satyabhama, her husband was also assaulted.

4. The learned counsel for applicants Mr. P.B. Patil would submit tht while there was indeed an altercation, it was the family of the complainant which was the aggressor and the applicant 2 suffered severe injuries in the free fight.

5. Prima facie, the submission of Mr. P.B. Patil is substantiated by the material on record. The injuries suffered by applicant 2 are indeed severe as is apparent from the medical report. On the basis of complaint lodged

by applicant 1, the police have registered offence punishable under section 307 of Indian Penal Code against the family members of the complainant Mrs. Satyabhama. As many as six members of the family of the complainant Mrs. Satyabhama are arraigned as accused and three accused are still in detention.

6. The investigation is complete and chargesheet is filed. Considering that the alleged incident is fall out of a dispute, that there was a free fight and the applicant 2 was seriously injured, a case for bail is made out.

7. The applicants be released on bail in connection with Crime 187/2021, registered with Police Station, Sakharkherda, Tq. Sindkhed Raja, for offences punishable under sections 326, 324, 504, 506 read with section 34 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

8. The applicants shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise

tamper with the evidence.

9. The applicants shall not leave the country without the permission of the trial Court.

Judge

Belkhede