

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

CRIMINAL APPLICATION (BA) NO.1141 OF 2021

(Chandrashekhar Janardan Dhore and another Vs. The State of Maharashtra thr. PSO
PS Balapur, Dist. Akola)

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for Applicants.
Mr. N. S. Rao, APP for Non-Applicant/State.
Mr. Nikhil Tekade, Advocate for assist to prosecution.

CORAM: ROHIT B. DEO, J.

DATE: 16th NOVEMBER, 2021.

The applicants are implicated in Crime 548/2021 registered with the Police Station Balapur, District Akola for offences punishable under Sections 326, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 12.10.2021 lodged by injured Santosh Gawande.

3. Perusal of the report and the material available in the case diary reveals that Anandrao Gawande and Santosh Gawande have suffered injuries. The injury suffered by Anandrao Gawande is attributed to co-accused Shivaji. The informant Santosh Gawande has suffered closed fracture of the shoulder. Even according to Santosh Gawande, the applicant Chandrashekhar Dhore assaulted him by means of the blunt side of the axe.

4. Mr. Mir Nagan Ali points out that there appears to have occurred an altercation on the issue of an alleged obstruction to the way to the agricultural field of the Gawande family, and that on the basis of cross report lodged by applicant Chandrashekhar Crime 549/2021 is registered against the members of the Gawande family *inter alia* under Section 324 of IPC. The assault is allegedly by an iron rod.

5. Be that as it may, considering that the only role attributed to applicant Santosh is that he allegedly instigated, and to applicant Chandrashekhar that he assaulted by the blunt side of the axe on the shoulder, a case for bail is made out, particularly since the possibility of a free fight having occurred, is a real possibility. It is not even the case of the prosecution that the applicants have adverse antecedents. However, in order to avoid further unpleasant incidents, it would be appropriate if the applicants reside beyond the territorial jurisdiction of village Goregaon at least for the next six months.

6. The application is allowed.

7. The applicants be released from custody subject to the following conditions:

- (i) The applicants shall execute the personal bond of Rs.16,000/- (Sixteen Thousand) each with two solvent sureties of like amount.

- (ii) The applicants shall not make any attempt to influence the witnesses, directly or indirectly.
- (iii) The applicants shall not indulge in any criminal activity while on bail.
- (iv) Till the next six months the applicants shall reside beyond the territorial jurisdiction of village Goregaon.
- (v) The applicants shall not leave the country without the permission of the trial Court.

JUDGE

NSN