

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

CRIMINAL APPLICATION (BA) NO.1147 OF 2021

(Ashok s/o Dinkar Raut Vs. State of Maharashtra thr. PSO PS Lonar, Tah. Lonar, 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. N. S. Ghanekar, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 16th NOVEMBER, 2021.

The applicant is seeking bail in connection with Crime 140/2021 registered with Police Station Lonar, Tahsil Lonar, District Buldhana for offences punishable under Sections 307, 143, 144, 147, 148, 149, 323, 324 and 506 of the Indian Penal Code.

2. The crime in which the applicant is implicated, along with other members of his family, is registered on the basis of report dated 01.06.2021 lodged by Mrs. Rekha Gopal Andhle.

3. It would be necessary to note that the family of the applicant also approached the police and on the basis of a counter report Crime 141/2021 is registered at the same police station *inter alia* for offence punishable under Section 326 of IPC, against the Andhle family.

4. It is apparent from scrutiny of the material in the charge-sheet that there is a dispute between the Andhle and Raut families which touches some portion of an agricultural field, which according to the Andhle family is encroached. However, the Andhle family suffered a set back in the civil court and has apparently preferred an appeal.

5. It is further apparent that there was indeed an unsavory incident on 01.06.2021. Members of both the families appear to have suffered some or the other injuries. However, the more serious injuries are suffered by Gopal and Krishna Andhle and it is on such premise that the police have invoked Section 307 IPC.

6. In so far as the applicant is concerned, the statements of witnesses have painted him as the main assailant. The allegation is that it is the applicant who launched a brutal assault on Gopal and Krishna Andhle with an axe and then attempted to throw his weight around by flaunting to be an Advocate practicing at the High Court.

7. The medico legal certificates on record reveal that Krishna Andhle suffered one contused lacerated wound by blunt object and the other three injuries are swelling. Gopal Andhle did suffer three contused lacerated wounds and the medical opinion is that blunt weapon was used. *Prima facie*, whether it is the applicant or then one of the other accused, blunt side of the axe appears to have been

used in the assault.

8. The applicant is an Advocate practicing at Aurangabad and a statement is made that he would not enter the territorial limits of Tahsil Lonar till the conclusion of the trial. While the charge-sheet is not filed as yet, the learned APP Mr. Pathan fairly states that the investigation appears to be complete and the draft charge-sheet is sent for scrutiny and approval. I have, therefore, proceeded on the premise that the investigation is complete and that nothing would be added to the material available in the case diary, which I have minutely scrutinized.

9. The co-accused are released on bail and so are the members of the rival Andhle group. Considering that the applicant has no criminal antecedents, that the investigation appears to be complete, that the applicant is not a flight risk and that the possibility of exaggeration or over implication cannot be totally excluded, at least to the extent of the role and the nature of assault, the applicant has made out a case for grant of bail. It is clarified that the observations made are strictly *prima facie* and for the purpose of deciding the entitlement to bail.

10. The application is allowed.

11. The applicant shall execute the personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with solvent surety

of the like amount.

12. The applicant shall not enter the territorial limits of Lonar Tahsil till the conclusion of the trial, save and except to attend Court hearing or if otherwise permitted by the jurisdictional Court for just reasons.

13. The applicant shall not indulge in any criminal activity while on bail.

14. The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

15. The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE

NSN