

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

CRIMINAL BAIL APPLICATION NO. 863 OF 2022

Satish Kisan Pagere
Versus
State Of Maharashtra

...Applicant
...Respondent

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Mr. Manoj Mohite, Sr. Advocate a/w Mr. Amey Deshpande A/w Ms. Vandana Bait a/w Mr. Harsh Nishar, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.
DATE : 20th OCTOBER, 2022.

PER COURT:

1. The applicant is arrested on 28.08.2020 in connection with C.R.No. I-92 of 2020 registered with Wadivarhe Police Station, Dist. Nashik for offences punishable under Sections 307, 143, 147, 148, 149, 324, 323, 504 & 506 of Indian Penal Code (for short “IPC”) and subsequently Section 302 of IPC was invoked on account of death of injured.

2. The case of the prosecution is as follows :

a. The case of the Informant is that, from long time there was dispute in respect of ownership of their agriculture land going on between the informant and the family members of the applicant. It is further alleged that on 23rd August 2020

the complainant with his brother were digging agricultural land for the purpose of garbage heap with the help of J.C.B. Machine at that time Mrs. Sumanbai Namdeo Pagere along with her son named as Ankush Namdeo Pagere and her daughter in law Mrs. Rupali Ankush Pagere has arrived by car and started abusing and quarrelling with the complainant and his brother. It is further alleged that during that quarrel the accused along with other relatives has assaulted the complainant and others with the help wooden log.

b. Thereafter the Ankush has called his brothers at the spot and they also assaulted the complainant and others. Thereafter, the relatives/brothers of the complainant has intervened to resolve their fight but applicant and his relative with the help of the wooden log assaulted the complainant and his relatives. It is further alleged that in the said brawl victim Sampat Pandit Pagere sustained grievous injury. Thereafter the complainant and his relatives got admitted in the hospital with the help of relatives. The FIR was registered against the Ankush Namdeo Pagere, Sumnbai Namdeo Pagere, Rupali Ankush Pagere, Madhav Kishan Pagere, Satish Kisan Pagere, Swaraj Kisan Pagere, Namdeo Kisan Pagere for offence

punishable under Section 307, 143, 147, 148, 149, 324, 323, 504, 506 and Section 37(1)(3) read with 135 of Bombay Police Act bearing FIR No. I-92 of 2020 dated 23.08.2020.

c. Sampant Pandit Pagere has succumbed to the injuries in hospital, therefore, the police has also invoked the provisions under Section 302 and added to the FIR.

3. It is submitted that the applicant and other family members of the applicant were assaulted and they have sustained grievous injuries. The applicant side has also registered the FIR against informant and others wherein the FIR is registered against the informant i.e. Mr. Sahebrao Ganpat Kokane, Mr. Sandeep Ganpat Kokane, Dilip Ganpat Kokane, deceased Mr.Sampat Pandit Pagere, Surbhan Pandit Pagere and Vitthal Vishwanath Gite for offence punishable under Section 326, 324, 141, 143, 147, 148, 159, 323, 504, 506 with Wadhiware police station. The applicant has also sustained grievous injuries and he was admitted in hospital.

4. The First Information Report (for short 'FIR') was registered at the instance of applicant's side vide C.R. No.93 of 2020 for offences punishable under Sections 326, 324, 141, 143, 147, 148, 149, 323, 504 & 506 of IPC. The said FIR was lodged by Namdev Kisan Pagere.

5. From the tenor of the FIR lodged by both the sides it is apparent that it was free fight between two groups. Several persons from the applicant's side were also injured. The co-accused Namdev Pagere and Madhav Pagere had preferred application for bail before this Court viz. Bail Application No.1136 of 2021 which was allowed vide order dated 28.07.2021. The applicant was allegedly armed with wooden stick and mounted assault on head. It is pertinent to note that both the sides have assaulted each other and suffered injuries. The applicant is in custody from 29.08.2020. Investigation is completed. Charge-sheet is filed.

6. Considering the factual aspects of this matter, the applicant need not be detained further custody. There are no criminal antecedents against the applicant.

7. Hence, I pass the following order:

ORDER

- i. Criminal Bail Application No. 863 of 2022 is allowed;
- ii. The applicant is directed to be released on bail in connection with FIR No. I-92 of 2020 registered with C.R.No. I-92 of 2020 registered with Wadivarhe Police Station, Dist. Nashik on executing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- iii. The applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.
- iv. The applicant shall not enter into village Nandgaon Budruk, Taluka Igatpuri for a period of six month.
- v. The applicant shall not tamper with evidence and shall not approach the victim.
- vi. Application is disposed off accordingly.

(PRAKASH D. NAIK, J.)