

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

CRIMINAL BAIL APPLICATION NO. 2827 OF 2022

Minath Maruti Kangude ...Applicant
Versus
State Of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION (ST) NO.17918 OF 2022
IN
CRIMINAL BAIL APPLICATION NO. 2827 OF 2022**

Bhau Pandurang Margale ...Applicant
Versus
State Of Maharashtra and Anr. ...Respondents

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Mr. Satyavrat Joshi i/by Mr. Nitesh J. Mohite, Advocate for the Applicant in BA.

Mr. Prasad Avhad i/by Mr. Chetan R. Nagare for Applicant in IA.

Mr. M. G. Patil, APP for the Respondent – State.

PSI. S. R. Jadhav, Paud Police station, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 18th OCTOBER, 2022

PER COURT:

1. The applicant is arrested on 30.04.2022 in connection with C.R. No. 156 of 2022 registered with Paud Police Station, Pune for offences punishable under Sections 307, 341, 323, 427, 504, 506, read with 34 of the Indian Penal Code and Section 4 and 25 of the Arms Act. FIR was registered on 30.04.2022.

2. The case of the prosecution is that on 29.04.2022 meeting of villagers was going on in ZP Primary School at Vegare, Tal. Mulshi, Dist Pune. The informant was Ex-Sarpanch. He questioned about the previous proceedings. The applicant objected stating that he is Sarpanch and Chairman of meeting. Mahadev Kokare raised question as to why his name is deleted from Gharkul Scheme. Co-accused objected him. Rajendra Kokare protested against it. The applicant went out and returned carrying wooden stick and rushed towards Rajendra Gund. The informant intervened. The applicant hit him with wooden stick. He caused serious injuries on the neck, head with scythe. Co-accused carrying scythe (Koyata) and assaulted the informant in which resulted in injuries to his leg. Complainant allegedly snatched sickle from other person and gave blow on the leg of Bhausahab Margale.

3. Learned advocate for the applicant submitted that the applicant is in custody from the date of arrest. Investigation is completed and charge-sheet is filed. The applicant is falsely implicated in this case. Only role attributed to the applicant is assault on the knee portion of Bhausahab Margale.

4. Learned APP submitted that specific overt act has been attributed to the applicant. The applicant is involved in the assault. The applicant had instigated other accused.

5. Learned advocate for the complainant submitted that the applicant is involved in the crime. He has participated in the assault. He has used sickle in assaulting the injured. The offence is of serious nature. In the event the applicant is granted bail, there is likelihood that he has tamper with the evidence and threatened the witness. Photographs annexed to the intervention application shows the nature of injuries suffered by injured person. The complainant has also filed intervention application opposing the grant of bail.

6. The incident in question is arisen during the course of meeting of the villagers. The attack was not pre-planned. There was exchanged of words person at the meeting which had caused the incident had assaulted as reflected in the FIR. The applicant has attributed role of assaulting the injured on his leg. The investigation is completed and charge-sheet is filed. Apparently there are no criminal antecedents against the applicant. Further custody of the applicant is not necessary. On stringent conditions bail can

be granted bail.

ORDER

- (i) Criminal Bail Application No.2827 of 2022 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 156 of 2022 registered with Paud Police Station, Pune 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 provisional cash bail security in the sum of Rs.20,000/- for a period of eight weeks in lieu of surety.
- (iv) The applicant shall stay out of village Vegare Taluka Mulshi, Dist. Pune till further orders.
- (v) The applicant shall not tamper with the evidence.
- (vi) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason.
- (vii) Both Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)