

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

**INTERIM APPLICATION NO.2310 OF 2024
IN
CRIMINAL APPEAL NO.613 OF 2024**

SHARADA
RANGNATH
WAHULE

Digitally signed by
SHARADA
RANGNATH WAHULE
Date: 2024.07.06
11:23:24 +0530

Jahangir Lalsab Sindgikar & Ors.

..Applicants

Versus

State of Maharashtra & Ors

.. Respondents

Mr. Ritesh Thobde, a/w Zubi Ansari a/w Ankita Rai, a/w
Changdev Shindgade, Advocate for the Applicants.

Mr. Swapnil V. Walve, APP for the Respondent-State.

Mr. Mohammad S. Mulla for Respondent Nos.2 and 3.

CORAM : SARANG V. KOTWAL, J.

DATE : 3rd JULY, 2024

P.C. :

1. This is an application for bail pending Appeal.
The Applicants were the original accused nos.1 to 4 in
Sessions Case No.18 of 2022 before the Additional Sessions
Judge, Solapur.

2. The learned Judge vide his judgment and order
dated 15th May 2024 convicted all of them for commission of
offences punishable under sections 307, 323, 506 read with
34 of Indian Penal Code. The major sentence imposed on

them was of five years RI in connection with offence punishable under sections 307 of IPC, besides imposition of fine.

3. Learned counsel for the Applicant submitted that the incident occurred on the spur of the moment because of a property dispute. There was a cross case in which the other group was convicted for commission of offence punishable under section 324 of IPC.

4. He submitted that the allegations are exaggerated. The incident had taken place in front of the house of the Applicants. The aggressors had come to their house to question them. The Applicant Nos.1 and 2 are in custody for more than one year and one month. The Applicant No.4 is in custody for almost two years. The Applicant No.3 was granted Anticipatory Bail, but he is in custody after his conviction. He submitted that considering the period undergone by the main accused and the remaining short period, in this background, the Applicants be granted bail.

5. Learned Counsel for Respondent Nos.2 and 3, and learned APP opposed these submissions. They placed reliance on the evidence of the injured eye witnesses-victims and the medical officer.

6. I have considered these submissions. The evidence of PW-2 Bandagi Husain and PW-4 Mehbub Bagwan is important. They have stated that the PW-2's father and the Applicant no.1. are brothers. PW-2 and PW-4 have stated that they had gone to the house of the Applicants asking about the partition. At that time, a quarrel took place and the incident occurred. The Applicant No.3 used a sword. Other accused used Iron rod and an iron cutter to cause the assault. Subsequently, the FIR was lodged. The evidence of PW-2 and Pw-4 is consistent. PW-7 Dr. Yogini Sable is the medical officer. She has deposed that the PW-4 had suffered one CLW of the size 8x1.5x1 cm on the right side of parietal occipital region, blunt trauma on left knee, a 2cm cut on the right index finger. PW-2 had suffered 3 CLWs. One of the size 14x13x10 cm on right side of temporal region

of head near right ear and other two of the size 5x1x1 cm and 6x1x1 cm on the head and a blunt trauma on left shoulder. At this stage, there is no reason to disbelieve their evidence. However, the circumstances show that the quarrel took place on the spur of the moment. It was not a pre planned attack. There was a cross case in which the other side is convicted. The Applicant No.1 to 3 have been in jail for substantial period. As mentioned earlier the sentence imposed is for five years. The Appeal is not likely to be decided within that period. Therefore, the Applicants can be granted bail pending the final disposal of their Appeal.

7. Hence, the following order:-

ORDER

(i) During pendency and final disposal of Criminal Appeal No.613 of 2024, the Applicants are directed to be released on bail on their executing PR. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.

(ii) The Applicant shall attend the concerned Police Station every Saturday from 4:00 p.m. to 5:00 p.m. for a period of nine months from today.

8. The Application is disposed of.

(SARANG V. KOTWAL, J.)