

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 213 OF 2015

Janardan Harishchandra Kaburkar  
(at present lodged in Alibag District Prison) ... Applicant.

Versus  
The State of Maharashtra. ... Respondent.

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Mr. S.B.Shetye, for the Applicant.

Mr. D.P.Adsule, APP for State.

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**CORAM : SMT.SADHANA S. JADHAV,J**  
**DATE : FEBRUARY 23, 2015**

**P.C.:**

1 Heard the learned Counsel for the applicant and the learned  
APP for State. Perused the papers.

2 This is an application under Section 439 of the Code of  
Criminal Procedure, 1973. The applicant herein is arrested on  
8/7/2014 in Crime No. 34 of 2014 registered at Murud Police Station  
for offence punishable under Section 307, 353, 332, 333, 504 and  
506 of the Indian Penal Code. Investigation is completed and  
charge-sheet is filed on 5/10/2014.

2 It is the case of the prosecution that on 30/6/2014 Avinash Waghmare has lodged a report at Murud Police Station alleging therein that one Amruta Sahastrabhude has purchased agricultural land admeasuring 35 gunthas out of survey No. 121 at village Majgaon, Tal. Murud. The said land was measured by TILR and the boundaries were demarcated on 1<sup>st</sup> April, 2014. The applicant herein happens to be the owner of adjacent land. The applicant herein had filed an application on 2<sup>nd</sup> April, 2014 before the Tahasildar, Murud-Janjira. He had specifically stated that he does not agree with the measurement conducted by the TILR. He would not surrender his land. The copy of the said communication was sent to the TILR at Murud-Janjira. It was also received on 30<sup>th</sup> June, 2014. The owner of the adjacent land was erecting poles for demarcating the land. The applicant appears to have opposed the same. There was altercation. Sahastrabudhe was accompanied by a police constable. The compilation of the charge-sheet shows an order passed by the Superintendent of Police, Raigad on the application filed by Amruta Sahastrabudhe.

The S.P had ordered that only after recording of statement of the concerned, if it is necessary to give police protection, the same may be extended. However, without there being any enquiry, police constable had accompanied Amruta Sahastrabudhe. The applicant herein was protecting boundaries of his own agricultural land. There was an altercation. In the said altercation, Avinash Waghmare and police head constable Manave were shown to be injured. The medical certificate of Avinash would show that he had sustained simple injuries due to fall, whereas Manave had sustained contused lacerated wound on his head which is shown as grievous injuries. At present there is nothing to indicate that Mr. Manave was treated as an indoor patient.

3 Be that as it may, the learned Counsel for the applicant has specifically submitted that the applicant happens to be 62 years old. He is an agriculturist who was protecting the boundaries of his own agricultural land. Investigation is completed and charge-sheet is filed. The applicant has been in jail for about 7 months.

4 In view of the above, the applicant has made out a case for

grant of bail.

5 The observations made herein are prima facie in nature. The same shall not be considered while deciding the application for discharge or for quashing of FIR or at the time of trial.

6 Hence, following order is passed :

**ORDER**

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of his capacity.

7 The application is disposed of accordingly.

**(SMT. SADHANA S. JADHAV,J)**