

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1435 OF 2015

Shri Mohan @ Kaka Baban Kalbhor ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.M. Kale for the Applicant

Mr.S.S. Pednekar, APP, for Respondent – State

Mr.D.D. Yewale, PSI, Daund police station - present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JULY 29, 2015**

P.C.:

1. The application is moved for bail as the applicant/accused is prosecuted for the offences punishable under sections 307, 323, 504 and 506 of the Indian Penal Code. The crime is registered at C.R. No.196 of 2015 with the Daund police station, Pune (Rural). One Shrikant Sampatrao Gund is the complainant. It is the case of the prosecution that his family and the family of the accused i.e., Kalbhor family had a dispute in respect of boundaries of the land and, therefore, on 6.7.2015 at around 9pm, when the complainant was talking with one of the witnesses, he attacked him with sword. However, the complainant could avoid the assault and started running. The applicant/accused chased him nearly for 800 metres till the complainant could enter in one hotel and hide. The

complainant approached the police on the next day and the offence was registered on 7.7.2015. The applicant/accused was arrested and hence, this application.

2. The learned Counsel for the applicant/accused has submitted that the complainant was not injured. The applicant/accused is falsely implicated in the case because of the previous enmity due to the boundaries and measurement of the land between the two families. He further submits that there are no antecedents to the account of the applicant/accused.

3. The learned Prosecutor has opposed the application. He has produced the statements of the witnesses.

4. Perused the FIR, the statements of the witnesses. Prima facie, it appears that the offence of attempt to assault the complainant with sword and chasing the complainant with the sword has taken place. However, the complainant could avoid the actual assault and therefore, he was not injured. The statements of the witnesses disclose that the applicant/accused was drunk at the relevant time. In view of this, I am inclined to grant bail on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.40,000/-, with one or two sureties in the like amount;
 - ii) The applicant shall not tamper with the evidence or pressurise or assault the complainant or any witness;
 - iii) The applicant shall not indulge into any kind of criminal activity, while on bail;
 - iv) The applicant shall cooperate with the Investigating Officer and attend the concerned police station on every Tuesday, between 6pm to 7pm, till filing of chargesheet.
 - v) Any breach of the above conditions will entitle the prosecution to move the Court for forthwith cancellation of the bail.
5. Bail Application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)