

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1735 OF 2016

Vitthal Ananda Barge	...	Applicant
vs.		
The State of Maharashtra	..	Respondent

Mr. Mahendra Shingade, Advocate for the applicant.
Mr. R.M.Pethe, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 26th August, 2016.

P.C.

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 18.6.2016 in Crimie No.394 of 2016 registered at Sangola Police Station at the instance of one Vikas Barge for the offences punishable under Sections 307, 143, 147, 148, 149, 504, 506 read with Section 34 of the Indian Penal Code.

2. The applicant herein happens to be the father of the accused Sunil Barge and Sachin Barge. It is alleged in the first information report that the family of the informant Vikas Barge as well as the present applicant happen to be agriculturists. There was a dispute between them in respect of the right of way to the agricultural land. The proceedings are pending

before the Revenue Authorities. It is alleged by the first informant that on 15.6.2016 at about 9 p.m., he had seen the sons of the present applicant assaulting his brother Tanaji. The allegation against the present applicant is that at the relevant time, the present applicant was present and he was armed with a stick. The principal accused i.e. Sunil Barge and Sachin Barge have been enlarged on bail by this Court vide order dated 5.8.2016. The observations in the said order indicate that it was alleged that the present applicant was also armed with weapons at the time of the incident.

3. The learned APP submits that the allegation against the present applicant is that Tanaji was also assaulted by the applicant. The injury certificate indicates that Tanaji sustained fracture and contused lacerated wounds. According to the learned APP, taking into consideration the nature of injuries, the applicant does not deserve to be enlarged on bail. However, the principal allegation in the first information report happens to be against the sons of the present applicant and they have been enlarged on bail by this Court. Hence, by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail.

4. It is made clear that the observations made hereinabove are

prima facie in nature and shall not be considered for the purpose of quashing of FiR, discharge application or at the time of trial.

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/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on four consecutive Saturdays commencing from 3rd September, 2016 between 10 a.m. to 12 noon. and co-operate with the investigating agency to the best of his ability.

The Application stands disposed of in the above terms.

(SMT.SADHANA S.JADHAV, J.)