

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2320 OF 2016**

Mr. Pravin Tukaram Hinge

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. P.G. Jagdale for the Applicant.

Mr. Prashant Jadhav, APP for the Respondent -State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : NOVEMBER 24, 2016.

P. C. :

1. Heard the learned counsel for the Applicant and the learned APP for the Respondent-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 18th October, 2016 in Crime No.228 of 2016 registered at Malegaon Taluka Police Station initially for the offences punishable under Sections 324, 323, 341, 504 and 506 read with Section 34 of the Indian Penal Code. Subsequently, Section 307 of the Indian Penal Code has been added.

3. It is the case of the prosecution that on 11th October, 2016

Mohini More lodged a report at the police station alleging therein that on 10th October, 2016 after working at the agricultural land she was proceeding home with her father-in-law on motorcycle. When they were passing through Mhasoba Temple they noticed that there was no further access to the road since the road was blocked by JCB machine belonging to Mr. Kantilal Hinge was parked. There was a verbal altercation between her father-in-law and Kantilal Hinge. Soon thereafter Pravin Hinge and Bharat Pawar started assaulting her father-in-law with fists and kick blows and thereafter Kantilal Hinge had drawn tommy from the JCB and had assaulted her father-in-law. Due to which, he had sustained grievous injuries. The injury certificate is on record.

4. The injured Sukhdev More had sustained contused lacerated wound on the occipital region, which was a grievous injury. The said injury had caused convulsions and hence the Doctor was of the opinion that the said injury was dangerous to life and therefore, Section 307 of the IPC was added. Upon perusal of the FIR it is clear that the head injury has been attributed to Kantilal Hinge. The act attributed to the present Applicant is that he had assaulted Sukhdev More with fists and kick blows and he has been in custody since more

than one month. Hence, without going further into the merits of the matter, and taking into consideration the fact that the Applicant is in jail since one month, the Applicant deserves to be enlarged on bail.

5. The observations are restricted to an application under section 439 of the Criminal Procedure Code and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

O R D E R

(i) The application is allowed.

(ii) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The Applicant shall report to the concerned police station on first and third Saturday commencing from 3rd December, 2016.

6. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)