

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2405 OF 2016

Rajkumar Vijay Mane Deshmukh

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Abhijeet Kadam Advocate for Applicant.

Mr. S. H. Yadav APP for the State.

Mr. Vijay B. Yadav, A.P.I. Velapur Police
Station, Solapur.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 2nd DECEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 29/10/2016 in crime no. 246 of 2016 registered at Velapur Police Station for offence punishable under sections 436, 308, 504, 506 of the Indian Penal Code.

2) It is the case of the prosecution that the father of the present applicant namely Vijay Sahebrao Mane Deshmukh lodged a report at the police station that the present applicant happens to be his son. That there was a family oral partition between brothers and parents. The said partition deed was notarized.

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Father was constrained to make a partition deed since applicant used to quarrel with him intermittently. There was a compromise on 10/08/2016. Even after the partition deed, applicant was not happy with the property that had come in his favour and was asking his father to give him gold and other valuables. Applicant was residing at Velapur. On 29/10/2016, when the mother of the applicant was alone at home, applicant had been to his father's house and was asking for golden jewellery and gold. He was threatening his mother that he would set the house on fire. The quarrel had taken an ugly turn. Applicant had subsequently set the sofa set on fire in an attempt to set the house on fire. He had also switched on the gas. The first informant was constrained to lodge a report against his own son.

3) The learned counsel for the applicant rightly submits that the applicant is not a criminal. It is a family dispute and he had committed the said act in a fit of rage without actually intending to set the house on fire.

4) Applicant has been in custody for more than one month. The witnesses are family members i.e. parents and other relatives. Applicant, in the given circumstances deserves to be enlarged on bail. However, it is made clear that observations made herein above are restricted to an application under section

439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.
- (iii) Applicant shall not enter into village Bondle and Kalve till the conclusion of the trial.
- (iv) Applicant shall mark his presence at Velapur Police Station on first Sunday of each month, commencing from 11/12/2016 for the period of 6 months.
- (v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)