

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2462 OF 2016

Pravin Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Sachindra B. Shetye, Advocate for the applicant.
Mr. Prashant Jadhav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 22nd December, 2016.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 16.5.2016 in Crime No.I-87 of 2016 registered at Uran Police Station, Taluka Uran, Dist. Raigad on 29.4.2016. The investigation is completed and charge-sheet is filed on 6.8.2016 against the present applicant and others for the offences punishable under Sections 307, 324, 323, 352, 504, 506 read with Section 34 of the Indian Penal Code.

2. The learned counsel for the applicant, at the outset, submits that the applicant herein is working as a crane operator in Gateway Terminals India since 15.3.2007. The learned counsel submits that the applicant herein is really not concerned with the dispute between Nivrutti

Thakur and Rajesh Thakur who happen to be the business associates of Nivrutti Thakur. There was a dispute between the partners of the said firm as the accused – Nivrutti Thakur had encroached upon the land purchased by Pravin Thakur. It is alleged that on 27.4.2016, Nivrutti Thakur, Dilip Mumbaikar and Sunil Patil started construction on the vacant land adjoining to the land of Rajesh Thakur. The complainant and his father had objected. There was a verbal altercation between the complainant and Nivrutti Thakur. It is alleged that on 29.4.2016 at about 10 a.m., the accused Nivrutti Thakur along with the present applicant and others had commenced construction on Survey No.40/3 which is a disputed land. In the course of verbal altercation, Nivrutti and his associates had mounted assault upon the father of the complainant. It is the case of the prosecution that in the said altercation, the present applicant had manhandled the father of the complainant. The complainant had rescued his father and at that stage, Nivrutti, Dilip and Sunil, who had concealed the knives and iron rods, had brought the same and had assaulted the father of the complainant. It is also alleged in the said altercation, the present applicant had also taken an active part and was prepared to assault the complainant. His father Dhanaji Thakur had sustained grievous injuries.

3. The learned counsel for the applicant submits that by an order

dated 13.12.2016, Nivrutti has been enlarged on bail by this Court. It is also submitted that due to previous enmity, the complainant had blown the incident out of proportion. The case has been committed to the Court of Sessions and is registered as Sessions Case No.75 of 2016. It is in these circumstances, the applicant deserves to be enlarged on bail.

4. The above observations are restricted to an application under Section 439 of Cr.P.C 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 his furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall not reside within the local jurisdiction of Uran Taluka till 31.1.2017.

The application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S.JADHAV, J.)