

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.229 OF 2017

Balu Bapu Pore .Applicant

Vs.

The State of Maharashtra .Respondent

WITH  
CRIMINAL APPLICATION NO.207 OF 2017  
(For Intervention)  
IN  
BAIL APPLICATION NO.229 OF 2017

Dada Namdeo Pore .Intervenor

IN THE MATTER BETWEEN

Balu Bapu Pore .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.R.S.Kate, Advocate, for the Applicant  
Mr.Prashant Jadhav, APP, for the Respondent – State  
Mr.Prashant S. Hagare, Advocate, for the Intervenor

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 17.04.2017**

**P.C.**

. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.92 of 2015 registered with the Walchandnagar Police Station, for the alleged offences punishable under Sections 302, 326, 324, 504, 506

r/w.34 of the Indian Penal Code.

2. The Complainant - Dada Namdeo Pore is the son of the deceased. The complaint is lodged on the basis of the information disclosed to the complainant by his mother-Janabai Pore, who is an eye-witness of the incident. According to Janabai, an altercation took place on 5<sup>th</sup> July, 2015 at about 7:30 a.m., near the common boundary abutting the Applicant's land and the deceased. She has alleged that the original accused No.1 started abusing the deceased, as he was throwing congress grass on their land. It is alleged that the said accused also started abusing the deceased and when Janabai asked him not to abuse, assaulted her with a stick. Original accused No.2 is alleged to have hurled abuses at the deceased. According to Janabai, Bapu Pore abused the deceased and assaulted him with an axe on his head.

3. Learned counsel for the Applicant submitted that the injuries sustained by the deceased shows that it was of a 'U' shape injury and that the same is not possible by an axe.

4. Perused the papers.

5. The statement of Janabai clearly shows that in the quarrel that took place, the Applicant assaulted the deceased with an axe. Apart from recovery of blood stained clothes at the instance of the Applicant, the Injury Certificate also shows that the deceased had sustained fracture on his skull. Whether or not the 'U' shaped injury is possible by an axe or not is a matter which will be decided by the trial Court.

6. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

7. In view of disposal of the Bail Application, the Intervention Application does not survive and the same stands disposed of accordingly.

**(REVATI MOHITE DERE, J.)**