

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL BAIL APPLICATION NO. 489 OF 2016**

|                           |     |            |
|---------------------------|-----|------------|
| Shri Ladkya Shidwa Dumada | ... | Applicant  |
| Vs.                       |     |            |
| The State of Maharashtra  | ... | Respondent |

Mr. Niranjan Mundargi, Advocate for the applicant.

Ms. P.P.Shinde, APP, for the State.

Mr. S.A.Poman, PSI, Bhoisar police Station present.

**CORAM: SMT.SADHANA S.JADHAV, J.**

**DATE : 17<sup>th</sup> January, 2017.**

**P.C.**

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 5.4.2015 in Crime No.64 of 2015 registered at Boiser Police Station, Palghar. The investigation is completed and charge sheet is filed on 2.7.2015 against the applicant for the offence punishable under Sections 302, 324, 504 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 5.4.2015, Navsha Chintya Kusal lodged a report at the police station that on 3.4.2015, at about 10 a.m., the applicant along with the co-accused had been to the

house of the informant. They had asked his father to vacate the premises i.e. a hut and thereafter had mounted assault upon him as well as the first informant with sticks. It is alleged that the applicant was armed with a stick when he came home. According to the first informant, due to the injuries sustained by him, he had fallen unconscious. When he regained consciousness, he saw that his father had become immobilized and that he had sustained bleeding injuries. He therefore went to the adjacent hut to meet his sister to inform about the same and lodged the report at the police station. The first informant has sustained two grievous injuries which are in the nature of fracture. He was examined by the doctor on 5.4.2015.

3. This is a case of direct evidence. There are more than two eye-witnesses to the incident who have categorically disclosed to the police that they had seen the present applicant along with the co-accused assaulting the first informant and his father. It appears that the dispute between both the families was over the hut erected by the deceased on the land which was claimed by the accused persons.

4. The learned counsel for the applicant submits that in fact the said land did not belong to anybody but the father of the first informant i.e.

deceased and the present applicant had claimed ownership over the said land. Be that as it may, it is the case of direct evidence. The applicant does not deserve to be enlarged on bail.

5. The application being sans merit, stands rejected.

6. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration at the time of trial. The learned Sessions Judge is requested to expedite the trial as far as possible.

**(SMT. SADHANA S.JADHAV, J.)**