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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.558 OF 2017

1. Laxman Narhari Landage	
2. Sunanda Laxman Landage	
3. Swapnil Laxman Landage	...Applicants
Versus	
The State of Maharashtra	...Respondent

***WITH
CRIMINAL APPLICATION NO.362 OF 2017
IN
ANTICIPATORY BAIL APPLICATION NO.558 OF 2017***

Nanda Malhari Landage	...Intervener (Orig. First Informant)
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In the matter between

Laxman Narhari Landage and Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.Niranjan Mundargi, i/b Mr.Vikram R. Sutaria, for the Applicants

Ms.Rutuja Ambekar, A.P.P for the Respondent-State

Mr.A.A.Gore, for the Intervener in APPP/362/2017.

***CORAM : REVATI MOHITE DERE, J.
DATE : 6th JUNE, 2017***

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R.No.43 of 2017 registered with the Narayangaon Police Station, Pune, for the alleged offences punishable under Sections 326, 323, 504, 506 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicants submits that the incident in question has taken place in the land of the applicants. He submitted that there was a dispute over the land between the applicants and Malhari Landage. He submitted that the applicants had got six guntas of land extra and that they were in possession of the said land since 2000. He further submitted that on 18th February, 2017, Malhari had objected to his sister – Shalubai Baban Ghadge, cutting crops in the land of the applicants, pursuant thereto, Shalubai had lodged an NC against Malhari. The said NC is on page 22 of the application. He further submitted that on 21st February, 2017, Malhari and his wife came in the applicants' land when they were cutting crops and assaulted the applicants and hence the applicants had

lodged an FIR as against Malhari and his wife alleging offences punishable under Sections 324, 323, 504, 506 r/w 34 of Indian Penal Code. He further submitted that Malhari had removed his crops and hence there was no reason for him to be at the spot.

4. Learned APP and learned counsel for the intervener opposed the application.

5. Learned Counsel for the intervener submitted that Malhari was assaulted with a stick by the applicants and that Malhari had received grievous injuries in the said incident i.e fracture of midshaff of right ulna bone and fracture of midshaff of left ulna bone. He further submitted that deeper investigation is required in the said case.

6. Perused the papers. Admittedly, there is a dispute over land between the applicants and Malhari Landage, who are related to each other. Admittedly, on 18th February, 2012 an NC was lodged by Shalubai Baban Ghadge, Malhari's sister. In the said NC, Shalubai had alleged that Malhari had objected for cutting crops in the land of the applicants. There

is a cross case filed by the applicants as against Malhari and his wife alleging offences punishable under Sections 324, 323, 504, 506 r/w 34 of Indian Penal Code. The allegation as against the applicants is that they assaulted Malhari with a stick on his arms, pursuant to which he sustained a fracture.

7. Considering the peculiar facts of this case, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station every Monday between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet or for a period of 3 months, whichever is earlier and thereafter, on the first Monday of every month for a period of 24 months;

(iii) The applicants shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.

(iv) The applicants shall co-operate with the Investigating Agency.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application.

10. In view of the disposal of the Anticipatory Bail Application No.558 of 2017, the Intervention Application being Criminal Application No.362 of 2017 does not survive and the same is also disposed of.

11. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)