

Anand

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

BAIL APPLICATION NO.1182 OF 2017

Sachin Uttam Kale .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Dilip Bodake, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 29.06.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.200 of 2016 registered with the Mhaswad Police Station, Taluka – Maan, District – Satara, for the alleged offence punishable under Section 307 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Complainant and the Applicant

are related, inasmuch as, the Complainant is the cousin of the Applicant. He submits that there was a dispute with regard to the common well, being used by the Complainant's family and the injured's family. He submitted that the CDR records do not show, that the Applicant had called injured Mahadeo, as alleged. He submits that the Applicant is in custody since 19.12.2016. He submits that investigation is complete and charge-sheet is filed.

4. Learned APP opposes the Application.

5. Perused the papers. Admittedly, the Complainant and the Applicant are related. It appears that there was a dispute between the Complainant's family and the Applicant's family, with respect to the common well. The incident has taken place on 27.11.2016. It is alleged by the Complainant – Tanaji Karande and the injured – Mahadeo Karande, that they were on their way

when Mahadeo Karande received a call from the Applicant at around 10.00 p.m. It is alleged that the Applicant disclosed to Mahadeo Karande that they should resolve and forget their dispute. According to the injured – Mahadeo, he informed this fact, to his brother- Tanaji and stated that he would go and meet the Applicant and accordingly, went on his motor cycle towards the Applicant's house. He has stated that he saw the Applicant grazing cattles and accordingly, stopped his vehicle near a canal. He has stated that the Applicant and his father – Uttam were present at the spot. It appears from injured – Mahadeo's statement, that when they were trying to resolve the dispute, there was an altercation between them, and that the Applicant assaulted the Complainant with a stick on his back. He has stated that pursuant to the said assault, he fell on the ground and that the Applicant threw his stick and picked up an axe and assaulted the Complainant on his head. Thereafter, both, the

Applicant and his father – Uttam left on the Complainant's motor cycle, leaving the Complainant in an injured condition. The injury sustained by the Complainant is, a CLW over parietal, temporal to occipital region horizontal above the ear pinna. It appears that the incident took place on the spur of the moment and the Applicant picked up the axe which was lying on the spot. Whether or not the CDR records corroborate the statement of the Complainant, is a matter which will be decided by the trial Court. The Applicant has been in custody since 19.12.2016. Investigation is complete and charge-sheet is filed. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the 1st **Monday of every month** between **10.00 a.m. and 11.00 a.m.**, till the conclusion of the trial;

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

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the

Applicant's bail.

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

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)