

Anand

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

BAIL APPLICATION NO.1370 OF 2017

Rayappa Bilensiddha Jalgaudar .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.V.V.Purwant, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.07.2017

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.219 of 2017 registered with the Valsang Police Station, Solapur(Rural), for the alleged offences punishable under Sections 324, 327, 354A, 394, 337, 504, 506 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the Applicant is the brother-in-law of the Complainant. He submits that because of the property dispute, the Applicant has been falsely implicated in the said case. He submits that a similar complaint was lodged by the Complainant, as against the villagers. He relied on page No.30 of the Application in support of his submission. He further submitted that the Applicant's father-in-law – Tukaram Imade, owns 25 acres of agricultural land in village – Kumbhari and that Tukaram Imade has five daughters, including the Applicant's wife. He submits that since there is a dispute with respect to the property, the aforesaid complaint has been lodged.

4. Learned APP opposes the Application.

5. Perused the papers. The incident has taken place on 15.05.2017 at about 7.45 p.m.

Admittedly, the Applicant is the brother-in-law of the Complainant. According to the Complainant, she is residing at Kumbhari alongwith her sister aged 17 years and father – Tukaram Imade. She has stated that her father – Tukaram Imade, owns about 25 acres of agricultural land. She has stated that on 15.05.2017 at about 11.40 a.m., she, her sister and her father had been to Kumbhari, for withdrawing some money from her father's account. She has alleged that when they reached home at about 1.00 p.m., they found the doors of their house open and found that the Applicant and his wife had entered the house and were searching for something in their house. According to the Complainant, the Applicant asked his father-in-law to transfer the agricultural land on his (Applicant's) name or give him money to spend and accordingly started abusing and threatening him. According to the Complainant, her father told the Applicant that

he has five daughters and that he would transfer the agricultural land only in their names. It is alleged that pursuant thereto, the Applicant assaulted the Complainant's father. When the Complainant and her younger sister went to rescue their father, the Applicant is alleged to have inappropriately touched Sangita and assaulted her. The Applicant is also alleged to have told the Complainant and her father that he should be allowed to marry Sangita or else he would kidnap and marry her. It is further alleged that the Applicant and his wife insisted on transferring ten acres of agricultural land, in the Applicant's name. The Applicant is also alleged to have snatched a Gold chain and ring from the Complainant and stated that unless Sangita was married off to him and the land was transferred in his name, he would not return the gold.

6. It appears, that the Applicant was claiming share in father-in-law's property, pursuant to which the incident took place. The Applicant is in custody since 15.05.2017.

7. Considering the peculiar facts of this case, 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. to 11.00 a.m.** till the conclusion of the trial;

(iii) The Applicant shall not enter the village – Kumbhari for a period of one year from

today;

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

(v) 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;

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

(vii) 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.

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 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.)