

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL BAIL APPLICATION NO. 1834 OF 2017****Dattatraya @ Dattoba Bhikoba Bhosale****..... Applicant****VERSUS****The State of Maharashtra****..... Respondent**

Mr.Satyavrat Joshi for the Applicant.

Mr.S.R.Agarkar, A.P.P. for the State.

CORAM : T.V.NALAWADE, J.**DATE : 29th AUGUST, 2017****P.C.**

The application is filed for bail. Both the parties are heard. The papers are made available as charge-sheet is filed in the crime.

2. The crime in C.R.No.418 of 2016 was registered in Jejuri Police Station, Pune for offences punishable under sections 326, 34 etc. of the IPC on the basis of the FIR given by Machindra Bhosale, son of the deceased. The injured died due to the injuries. The applicant is the real brother of the deceased. She had some dispute over taking water from common well. There allegations are on the day of the incident the applicant and other accused entered the house of the deceased to make enquiry as the family of the deceased had started taking water in breach of the agreed terms for taking water. The allegations are made that in the incident the

present applicant, Shantaram Bhosale, son of the applicant and Sharad Bhosale assaulted the deceased by using stick. The statements of all the eye witnesses show that they are omnibus against these persons. The P.M.Report shows that single surface wound was found on the head and that had caused fracture of skull bone and there was a bleeding inside the brain.

3. Learned APP submitted that there is a specific allegation against the present applicant that he was holding a stick and so bail cannot be granted to him. The material collected shows that all the witnesses have made the allegations against all the three male persons of the family of the applicant that they used sticks which caused injury on the head of the deceased. The deceased was aged 85 years. The applicant is aged 76 years. In view of the nature of dispute and the manner in which the incident took place, this court holds that the applicant need not be kept behind bars till the disposal of the case. The applicant is behind the bars since 23rd December,2016. So, the application is allowed. The applicant is to be released on bail on his furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only). The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences.

(T.V.NALAWADE, J.)