

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

BAIL APPLICATION NO.2587 OF 2016

Machindra Mansingh Dhawale

... Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr.M.S. Mohite i/b Nilesh Wable for the Applicant

Mr.S.H. Yadav, APP, for Respondent – State

Mr.J.K. Mandage, P.C., Shirur police station – present

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 10, 2017

P.C. :

1. This application is moved for bail under section 439 of the Code of Criminal Procedure as the applicant is prosecuted for the offences punishable under sections 307, 323, 324, 326, 504, 506, 143, 147, 148, 149 r/w 34 of the Indian Penal Code in C.R. No.781 of 2016 with Shirur police station, Pune. One Bapurao Hanumant Bhosale is the complainant, who is having an agricultural field adjacent to the agricultural land of the family of the applicant/accused. Both the families have dispute over the boundary of the land. On 26.11.2016, the applicant/accused

encroached on the land of the complainant and therefore at about 11am, the complainant alongwith his family members questioned the applicant and his family members. At that time, the applicant/accused and the co-accused abused the complainant and his family membrs and the applicant/accused Machindra attacked him with a sickle (kaiti) on his hand. Thereafter, the relatives of the complainant intervened. At that time, the co-accused Jalinder assaulted the mother of the complainant with stone. The applicant/accused and the co-accused also assaulted the complainant and his mother with fists and kick blows. Hence, the complainant gave information to the police and the offence was registered at C.R. No.781 of 2016. The applicant/accused is taken into custody on the next day i.e., on 27.11.2016. Hence, this Bail Application.

2. The learned Counsel for the applicant/accused has submitted that the complainant did not sustain any grievous injury. He was discharged from the Sassoon hospital immediately. The assault has taken place after sudden quarrel between the parties. He further submitted that the applicant/accused has no criminal record.

3. Learned Prosecutor has opposed the application and relied on the injury certificates including the Certificate from Sassoon General hospital, Pune. He submitted that the complainant has sustained grievous hurt on the left scapula.

4. Perused the complaint and the statements of witnesses, so also the injury certificates. One injury (CLW) on scapula is caused due to sharp edged weapon, however, the injury as per the case of the complainant was on the backside of the hand and the place of the injury is shown on the left scapula. Considering the facts of the case, the record shows that the complainant was discharged from the hospital within one or two days. Thus, in view of the submissions of the learned counsel for both sides, I am inclined to grant bail as under:

ORDER

- i) The applicant/accused shall be released on bail upon furnishing a P.R. bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount;

ii) The applicant/accused shall not indulge into any kind of offences especially against human body;

iii) As chargesheet is not filed, the applicant/accused shall report to the concerned police station on every Saturday between 4pm to 6pm, till filing of the chargesheet and shall cooperate with the Investigating Officer.

iv) In the event of breach of any of the above conditions, the prosecution will be at liberty to move an application for cancellation of the bail.

5. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)