

- 1 Heard the learned counsel for the applicant and the
learned APP. Perused the papers of investigation.
- 2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 15th December 2017
in Crime No.561 of 2017, registered at Kurduwadi Police Station,
Solapur, for the offences punishable under Sections 326, 325, 354,
323, 504 and 506 read with 34 Indian Penal Code.
- 3 It is the case of the prosecution that on 13th December
2017, Ashwini Anantrao Patil lodged a report at the police station

alleging therein that the applicant herein had purchased their land from the father of the complainant by committing fraud upon him, since he was an alcoholic. The informant had filed civil suit seeking permanent injunction. On 12th December 2017 at about 4.00 pm, when she was in the agricultural land alongwith her mother and father, the present applicant alongwith others had arrived at the said spot, abused them and thereafter assaulted them with deadly weapons i.e. iron rods and sticks, assaulted her mother by fists and kick blows and her father was also assaulted. Thereafter they were taken to the civil hospital and the report is lodged.

4 Upon perusal of the papers of investigation, it appears that on the same day i.e. 12th December 2017 at about 7.00 pm., the applicant herein had lodged a report at the police station alleging therein that on 12th December 2017, when he was in his agricultural land, the accused namely Anandrao Shankarrao Patil, Sharad Shankarrao Patil, Sarojini Mahadev Patil and others had accosted them, abused them and assaulted them. Shivanand was injured and was taken to the hospital after getting the requisition from the police. On the basis of the said report, Crime no. 553 of 2017 is registered at the same police station.

5 Learned counsel for the applicant vehemently submits that the land where the incident had occurred was purchased by the

applicant from the father of the first informant. That the complainant had not succeeded in seeking temporary injunction from the Court in the civil suit filed by them and hence being aggrieved, they had mounted assault upon the applicant and his family members. The applicant had sustained injury on fronto parietal and Anti posterior region of his head as well as on the occipital region. It is submitted that the second F.I.R. i.e. Crime No. 561 of 2017 has been registered only as a counter-blast to registration of Crime No. 553 of 2017. The investigation is almost completed. This appears to be the case of cross complaint in respect of the same incident.

6 Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the applicant deserves to be enlarged on bail.

7 The observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

1 The application is allowed.

2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

3 The applicant shall not tamper with the evidence of the prosecution.

(*Smt. Sadhana S. Jadhav*, J)