

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

BAIL APPLICATION NO. 319 OF 2018

1	Sachin Laxman Sarvade	
2	Rahul Laxman Sarvade.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

Mr. Viresh V. Purwant, advocate for Applicants.

Mr. N.B. Patil, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 9, 2018**

P.C.:

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is an application under section 439 of Code of Criminal Procedure, 1973. The applicants herein are arrested on 11/12/2017 in Crime No. 546 of 2017 registered at Kurduwadi Police Station, Taluka Madha for offence punishable under section 326, 323, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 11/12/2017 Pandurang Sarvade lodged a report at the police Station alleging therein that firewood which was stored by his wife and his sister were not seen on that day. When they were murmuring, Sangita Sarvade reached at the spot and questioned that as to why they were abusing. She also called upon Sachin and Rahul and all of them started abusing the complainant, his wife and sister. The applicant No. 1 Sachin had assaulted the wife of the complainant with the butt-end of an Axe. They continued to abuse. The rest of the accused have assaulted with kicks and fist blows. Wife of the complainant had sustained grievous injuries so much so that there was a fracture on the left forearm bone. There was swelling on the elbow with restricted movement of the wrist and elbow.

4 It appears that the incident had occurred due to misunderstanding between both the families. The applicants have

been in custody since 11/12/2017. The investigation is almost completed. The applicants are young boys aged about 23 and 27.

5 The learned Counsel for the applicant submits that the applicants do not have criminal antecedents and the incident has occurred due to misunderstanding and regular wear and tear in the rural life.

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

7 However, it is made clear that the observations are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

8 Hence, following order is passed :

ORDER

- (i) The application is allowed.
 - (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent sureties in the like amount.
 - (iii) The applicants shall not tamper with the evidence.
- 9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)