

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

BAIL APPLICATION No. 806 OF 2018

Bhausahab Murlidhar Jadhav

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Jaydeep D. Mane for Applicant

Mr. S.R. Agarkar -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 12, 2018

P.C.

1. Heard. This is an application filed under section 439 of the Criminal Procedure Code. The Applicant herein is arrested on 20th February, 2018 in Crime No. 207 of 2017 registered at Kamati Police Station for the offence punishable under Section 307, 326, 323, 504, 506 r/w. 34 of the Indian Penal Code. The investigation is completed and the charge-sheet is filed.

2. It is the case of the prosecution that on 11th of October, 2017, Annasaheb Balu Waghmode lodged a report at the police station alleging therein that the agricultural land of the present applicant is adjacent to his land there were

intermittent quarrel between both the families over the common boundaries. On 10th October, 2017 in the morning at about 9.30 a.m. when he was returning, home, the present Applicant, Ganesh Jadhav and others had assaulted him by sickle. They has abused and threatened to kill the parents of the complainant, who tried to intervene. The complainant sustained injuries on his left hand. On the basis of the said report, Crime No. 207 of 2017 is registered. The medical certificate issued by the Civil Hospital, Solapur would show that the injured had sustained three injuries in the nature of blunt trauma which were grievous injuries. He had linear displaced fracture of mid shaft of 5th metacarpal bone of left hand and other bone injuries also.

3. The learned counsel for the Applicant submits that prime facie no case under provisions of section 307 could be made out and that at the most it would be an offence under section 325 or 326 of the Indian Penal Code.

4. Be that as it may, the investigation is completed and charge-sheet is filed and the Applicant has been in custody for almost eight months. Hence, the applicant has made out a case for bail. The observations made herein above are prima facie in nature and are restricted only for the present application filed under section 439 of Cr.P.C. and shall not be taken into consideration at the time of deciding discharge application or at the time of trial. Hence, the following

order.

ORDER

- (i) Bail application is allowed.
- (iii) The Applicant be enlarged on bail on furnishing a P.R. Bond of Rs.25,000/- and one or more solvent sureties in the like amount.
- (ii) The Applicant shall not reside in the village of Kurul till the conclusion of the trial.

The bail application is disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]