

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1520 OF 2018**

Vasant Mahadev Ghadi. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Ms. Swapna P. Kode, advocate for applicant.

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

Mr. Arun Sawant, PSI, Sawantwadi Police Station, Dist. Sindhudurg.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 30, 2018.

P. C. :

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicant herein is arrested on 25/4/2018 in Crime No. 76 of 2018 registered at Sawantwadi Police Station, Sindhudurg for offence punishable under section 307, 143, 147, 148, 149 and 504 of the Indian Penal Code.

3 It is the case of the prosecution that on 20/4/2018 Ramdas Anant Ghadi lodged a report at the police station alleging therein that

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there was a dispute between his family and family of the present applicant over their agricultural land. In fact, they happen to be close relatives. That on 20/4/2018 in the evening at about 5.30 p.m. the sister of the complainant namely, Sangita had been to well to fetch water from the well, whereas the complainant was at home. Within a short while, he had heard hue and cry and therefore, the entire family rushed to the well. The family of the present applicant was abusing his sister and quarrel was about to take a violent turn. Hence, the complainant and his family members attempted to save Sangita. At that relevant time, all the relatives of the present applicant i.e. cousins of the complainant had assaulted complainant with fists and kick blows. That Anand had assaulted him with wooden logs on his legs. They were exhorting each other to eliminate him and at that stage, the present applicant Vasant who was in the agricultural land has raised his sickle and had assaulted the complainant on his head which caused a bleeding injury.

4 It is a matter of record that some of the accused are granted anticipatory bail and some are enlarged on bail under section 439 of the Code of Criminal Procedure, 1973. The investigation is completed and charge-sheet is filed. The medico legal case of Ramdas Ghadi shows that he has sustained a contused lacerated wound on his left parietal region which was attributed to the present applicant with a sickle, but the

weapon described in the medical certificate is hard and blunt object. The nature of injury shown by the doctor is simple injury. There is no injury nor trauma to his legs. The applicant has been in custody for about 3 months. In view of this, the applicant deserves to be enlarged on bail.

5 The observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for discharge application or at the time of trial.

6 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 20,000/- and one or more solvent sureties in the like amount.

(iii) The applicant shall not tamper with the evidence.

(iv) The applicant shall not reside in village Kolgaon-Dongarwadi till 30/9/2018.

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(v) The applicant shall furnish his address and contact numbers, where he will reside to the concerned Police station after release on bail.

7 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]