

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

BAIL APPLICATION NO. 2490 OF 2018

Narayan Mahadeo Bhoge	...Applicant.
Vs.	
The State of Maharashtra	...Respondent.

Mr. Kuldeep Nikam for the Applicant.
Mr. Amit Palkar, APP. for the Respondent/State.

**CORAM : A.S.GADKARI, J.
DATE : 26th November, 2018**

PC :

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.69/2018 dated 17.4.2018 registered with Kadegaon Police Station, District Sangli under Sections 302.307, 504,506 of the Indian Penal Code.

Heard the learned counsel appearing for the applicant and the learned APP. Perused the record.

2. The name of the deceased is Mrs. Vanita J. Bhoge. The date and time of the alleged incident is 16.4.2018 at about 9.30p.m. in the court yard of the first informant.

3. The first information report is lodged by Jalinder Bhoge. The applicant is the real brother of first informant. It is the persecution case that, the applicant was having dispute with the first informant pertaining to their ancestral agriculture field and the applicant was demanding balance agriculture land from the informant. It is the prosecution case that, on 16.4.2018 at about 9.30p.m. the applicant after consuming liquor had been to the house of the informant. The informant, his wife Mr. Vanita Bhoge and his son were watching TV at that time. The applicant after coming to the house of the informant abused him in filthy language and when the informant tried to pacify the applicant, it is alleged that the applicant with a wooden log which was lying in the courtyard of the first informant tried to assault him with it. The informant was successful in dodging the blow on his head. The wife of the informant namely Mrs. Vanita tried to pacify the said quarrel and save the said blow in the said process the applicant assaulted the wife of the first informant with a wooden log on her head and pushed her on the ground. Due to the said push Mrs. Vanita fell on the water pump which was fixed in the courtyard and got unconscious. The applicant thereafter threw the said wooden log at

the scene of offence and went back from his motor cycle. Mrs. Vanita was taken to the hospital wherein she was declared dead.

During the course of investigation the applicant came to be arrested on 17.4.2018 and after completion of investigation the police have submitted charge sheet.

4. The post mortem notes indicates that, the deceased had suffered one contused lacerated wound over the parietal region of scalp measuring about 5x3x3cms. and the corresponding internal injury under the scalp. Two ribs of the deceased were found to be fractured. The first information report and the statements of other witnesses indicates that, when the applicant tried to assault the first informant, the wife of the first informant tried to dodge it and in the hit of passion the applicant assaulted her with the said wooden log. The applicant had picked up the said wooden log from the spot of incident. The applicant did not come to the scene of offence with pre-meditation and armed with a deadly weapon. It further appears that in a sudden fight, the applicant has assaulted the first informant Jalinder and his wife Vanita (deceased) without any pre-meditation.

5. The learned APP. submitted that there is on going dispute between the deceased and the first informant over the ancestral property and if the applicant is released on bail he will tamper with the evidence and will create terror in the locality. The said apprehension can be taken care of by imposing stringent conditions upon the applicant.

6. In view of the above, this Court is of the view that applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No.69/2018 dated 17.4.2018 registered with Kadegaon Police Station, District Sangli on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail the applicant shall not enter the jurisdiction of Kadegaon Police Station except marking his presence as directed hereinafter and shall keep himself away from it.
- c) After is release from Jail, the applicant shall attend the concerned Police Station I.e.Kadegaon Police Station on every alternate Monday between 10.00 a.m. and 12.00 p.m. initially for a period of 6-months and

thereafter on every first Monday of the month between 10.00 a.m. and 12.00p.m .till conclusion of trial.

d) The applicant shall attend all the dates before the trial Court unless precluded for medical reasons.

e) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)