

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

BAIL APPLICATION No. 968 OF 2018

**Gundappa @ Bandappa Mahadappa
Gavade & Anr.**

...Applicants

Vs.

State of Maharashtra

...Respondents

Mr. Ritesh Thobde for Applicants

Mr. S.H. Yadav -APP

Mr. Vaibhav Markad, API, Mangalvedha Police Station, Solapur (Gramin)

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 4, 2018

P.C.

1. Heard. This is an application under Section 439 of the Criminal Procedure Code.

2. The Applicants herein are arrested on 11th December, 2017 in Crime No. 565 of 2017 registered at Mangalwedha Police Station, Dist. Solapur. Initially the Crime was registered for the offences punishable under Section 323 and 324 of the Indian Penal Code. However, upon receipt of the medico legal certificate issued by Ashwini Sahakari Rugnalaya, section 307 has been added.

This appears to be a case of cross complaint. The accused in Crime No. 564 of 2017 have been granted pre-arrest bail by this Court vide order dated 2nd April, 2018.

3. The learned counsel for the Applicants submits that in fact, registration of Crime No., 565 of 2017 is only a counter blast to be registration of Crime No. 564 of 2017 at the behest of Rajkumar Gavade, who happens to be the son of Applicant No.2.

4. According to the prosecution, the agricultural land of the Applicants is adjacent to the agricultural land of the first informant. There used to be intermittent quarrels between the said owners as the Complainant had purchased the land bearing Gat Nos. 81 and 17 of the other adjacent lands which in fact was reserved for project affected people.

5. The Applicants have no criminal antecedents. It is the case of the prosecution that the Applicants herein were armed with sticks at the time of incident. A dispute is pending before the Judicial Magistrate, First Class, Mangalvedha in respect of sale of land. In the present case, the charge-sheet is filed and it is registered as RCC No. 19 of 2018.

6. The learned APP submits that the Applicants are also prosecuted for the offences punishable under Section 427 of the Indian Penal Code as they had set

two vehicles on fire.

6. In view of the above circumstances, the Applicants herein deserve to be enlarged on bail. The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) The Application is allowed.
- (ii) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- each and one or more sureties in the like amount.
- (iii) The Applicant shall not reside in Taluka Mangalvedha till conclusion of the trial.
- (iv) Within four weeks from the date of release, the Applicants shall furnish the details about their residence, cell phone and other details to the investigating agency.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]

Vaishali
Anil Tikam

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Vaishali Anil Tikam
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