

Anand

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

BAIL APPLICATION NO. 1146 OF 2018

Harishchandra Sonba Kavade .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. T. N. Sonawane, Advocate, for the Applicant
Mr. S. H. Yadav, APP, for the Respondent – State

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 02.07.2018

P.C.

. Heard learned counsel for the Applicant and the learned
APP for the Respondent – State.

2. This is an Application under Section 439 of the Code of Criminal Procedure. The Applicant herein is arrested on 06.12.2017 in C. R. No. 693 of 2017, registered at Pandharpur Taluka Police Station, District - Solapur for the offences punishable under Sections 307, 323, 324, 325, 143, 147, 148, 149, 504 & 506 of the Indian Penal Code. The investigation is completed and the charge-sheet is filed.

3. It is the case of the prosecution that on 05.12.2017, Devidas

Sonba Kavade, who happens to be the real brother of the Applicant lodged a report at the police station alleging therein that there was a quarrel with his brother on the ground that his son had purchased three acres of land at village – Gursale, Taluka – Pandharpur from one Mohan Vilas Jadhav. He had also filed a Civil Suit for declaration, injunction and claiming possession of the said three acres of land. That on 04.12.2017, when the first informant was in the process of tilling his land with a tractor, the present Applicant along with co-accused had threatened the first informant and assaulted them. According to the first informant, the Application below Exh. 5 was granted in favour of the first informant and therefore, the present Applicant had a grudge. That on the same day, in the evening, it is alleged that the Applicant and co-accused had been to the house of the first informant and had assaulted him brutally. It is alleged that the present Applicant had made an attempt to administer poison to the first informant forcibly.

4. Perused compilation of the charge-sheet, more particularly, the Injury Certificates which show that the injuries were simple in nature. Besides the present Applicant, all the co-accused have been enlarged on bail. In any case, the allegation against the present Applicant is that he had attempted to administer poison to the first

informant forcibly. There is no corroboration to the said allegation by way of any Medical Certificate. In any case, by virtue of doctrine of parity, the Applicant deserves to be enlarged on bail. In view of the above observations, the Applicant deserves to be enlarged on bail.

5. Hence, I proceed to pass the following order.

ORDER

- (i) The Application is allowed;
- (ii) The Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.

(SMT. SADHANA S. JADHAV, J.)