

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1358 OF 2018

Ashok Laxman Nanvare. .. Applicant.

V/s.

State of Maharashtra. .. Respondent.

Mr. Aniket U. Nikam, advocate for applicant.

Mr. Vishal Laxman Kolekar, advocate for intervenor.

Mr. Y.Y. Dabake, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 5, 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, 1973. The applicant is arrested on 22/1/2018 in Crime No. 38 of 2018 registered at Karmala Police Station for offence punishable under section 307, 323, 504, 506 read with section 34 of the Indian Penal Code and section 135 of Maharashtra Police Act. The investigation is completed and charge-sheet is filed.

3 It appears to be a case of cross-complaint. At the behest of

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the applicant, Crime No. 37 of 2018 is registered on the date of the incident against the complainant Nitin Nanvare.

4 On 9/1/2018 Nitin Nanvare was admitted in Markendey Solapur Sahakari Rugnalaya & Research Centre, Solapur. Being medical legal case, his statement was recorded. He has disclosed to the police that his agricultural land is adjoining to the agricultural land of the applicant and there used to intermittent quarrels between them.

5 That on 18/11/2018, when the complainant was in his agricultural land, present applicant and others had accosted him and thereafter, present applicant had stabbed him in his abdominal and thereafter, the others had caused injuries. It is pertinent to note that in respect of the same incident, Crime No. 37 of 2018 was registered at Karmala Police Station, wherein the complainant is accused No. 2.

6 The learned Counsel for the applicant submits that on 18/3/2017 present applicant had lodged a report against the complainant on the basis of which Crime No. 154 of 2017 was registered for offence punishable under section 324, 323, 504 read with section 34 of the Indian Penal Code. Similarly, on 6/12/2017, the applicant herein had lodged a report at the police station against the complainant Nitin

Nanvare. On the basis of which, Crime No. 772 of 2017 for offence punishable under section 428, 429 read with section 34 of the Indian Penal Code, wherein it was alleged that the complainant Nitin and others had poisoned buffaloes of the present applicant. It appears that there have been intermittent quarrels between the complainant and group of the applicant.

6 Learned Counsel for the applicant further submits that registration of Crime No. 38 of 2018 is only the counter-blast to the registration of Crime No. 37 of 2018.

7 In the aforesaid circumstances, the applicant deserves to be enlarged on bail as investigation is completed and charge-sheet is filed.

8 The aforesaid 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.

9 Hence, following order is passed :

ORDER

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- (i) The application is allowed.
 - (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with 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 Mhasewadi till conclusion of trial.
- 10 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]