

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1397 OF 2018**

Sadashiv Shankar Devkate. ..Applicant.

V/s.

State of Maharashtra. ..Respondent.

Mr. Sachin H. Deokar, advocate for applicant.

Mr. S. R. Agarkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 29, 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 12/12/2017 in Crime No. 913 of 2017 registered with Indapur Police Station, Pune for offence punishable under section 143, 147, 148, 149, 326, 307, 504, 506 of the Indian Penal Code. Investigation is complete and charge-sheet is filed.

3 It is the case of the prosecution that on 11/12/2017 Dyaneshwar Kalidas Karande who was under treatment at Krishna

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Hospital and Research Center, Indapur had disclosed to the police that on 9/12/2017 his grand-mother was sleeping on the platform abutting his house, at that time, Sadashiv Devkate i.e. present applicant and Kuldeep Ukale alongwith 3 to 4 unknown persons had assaulted his grand-mother on her legs under the presumption that it was the complainant and his father who must be sleeping on the platform. Upon hearing hue and cry of his grand-mother, he rushed outside. At that juncture, he was assaulted with an iron rod on his head by Sadashiv Devkate and Rahul Kare. The motive of assault is that the first informant had filed a complaint against the present applicant's brother contending therein that they are indulging into money lending business without licence and therefore, they wanted the complainant to withdraw the said complaint.

4 Perused the papers of investigation, more particularly, injury certificate of the complainant which indicates that he had sustained contused lacerated wound on parietal region. His grand-mother Indubai had sustained fracture on Tibia which was grievous injury. Considering nature of injuries, section 307 of the Indian Penal Code was added.

5 Learned Counsel for the applicant submits that grand-mother was assaulted under the misconception. That both the injured had

recovered.

6 In view of the nature of the allegations as revealed in the papers of investigation, the applicant deserves to be granted bail.

7 However, the observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge or at the time of trial.

8 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. 50,000/- each 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 Balpudi till conclusion of the trial.

9 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

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