

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2536 OF 2018**

Sunil Dattatraya Kokane	...Applicant
Versus	
The State of Maharashtra	...Respondent

.....

Mr. Kuldeep Patil with Mr. Prashant S. Hagare for the Applicant.

Ms J.S. Lohokare, APP for the Respondent-State.

Mr. Rupesh Zade for the Intervenor.

Mr. D.S. Omase, ASI, Baramati Police Station, present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED: 22nd OCTOBER, 2018.**

P.C.:-

This is an application under Section 439 of the Cr.P.C., filed by the aforesaid Applicant, who has been arrested in Crime No.367 of 2018, registered with Baramati Police Station, District-Pune (rural), for offences punishable under Sections 307, 323, 324, 504 and 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Kuldeep Patil, the learned counsel for the Applicant and Ms J.S. Lohokare, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Anandrao Dattatray Kokane, brother of the Applicant herein. The FIR prima facie reveals that there is property dispute

between the Applicant and his brother i.e. the first informant-Anandrao Kokane. The records reveal that on 10.7.2018 there was an altercation between the wife of the Applicant and wife of the first informant. The Applicant also went to the place of the incident and assaulted Pramila, wife of the first informant by means of an iron rod. As a result, said Pramila sustained grievous head injury. The FIR as well as the statement of the injured prima facie indicate that the Applicant was involved in inflicting injury on Pramila. However, the question whether the injury was inflicted with intention of causing death or with knowledge that it was likely to cause death will have to be decided on merits.

4. It is to be noted that the Applicant was arrested on 11.7.2018. Investigation is concluded and the charge sheet has already been filed. Presence of the Applicant is no longer required in custody for the purpose of investigation and interrogation. The Applicant is a permanent resident of Baramati District. Hence, there are no chances of his absconding or fleeing from justice. The Applicant has no criminal antecedents.

5. Considering the above facts and circumstances, the Applicant is entitled for bail. Hence, the application is allowed on

following terms and conditions :-

- (i) The Applicant, who is arrested in Crime No.367 of 2018 registered with Baramati Police Station, District-Pune (rural), shall be released on bail on furnishing bail bonds of Rs.50,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall not enter in the area of Rautvasti, Zargadwadi, till framing of the charge.
- (iii) The Applicant shall furnish his contact details and the temporary address as well as the permanent address to the investigation officer.
- (iv) The Applicant shall not interfere with the first informant, injured and other witnesses in any manner.
- (v) The Applicant shall report to the investigation officer and in his absence Senior P.I. of Baramati (rural) police station on first and third Monday of every month between 11.00 a.m. to 2.00 p.m., until further orders.

(SMT. ANUJA PRABHUDESSAI, J.)