

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

BAIL APPLICATION NO. 2695 OF 2018

1. Sachin Jalindar Mane
2. Mahesh Jalindar Mane .Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Nitin Dalvi a/w. Amruta Devkat for the Applicant.

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

Mr. B.R.Mohite, PSI Palus Police Station, Sangli, present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 15, 2018.

P.C.

1. At the outset, the learned Counsel for the applicant submits that he does not wish to press the application on behalf of the applicant no.2 and that he is restricting his prayers only in respect of the applicant no.1.

2. The records prima facie reveal that pursuant to the first information report lodged by one Ganesh D. Mane, Crime No. 94 of 2018 has been registered at Palus Police Station, Sangli, for offences punishable under Section 307, 323, 326, 504, 506 r/w. 34 of the

Indian Penal Code.

3. Heard Mr. Dalvi, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

4. The FIR prima facie reveals that there is property dispute between the applicant and the first informant. The case of the prosecution in brief is that on 14th September, 2018 at about 9.00 a.m. Abhijit had told the first informant that the applicants and one Amol had called him and his father to the property under Gat No. 218. Accordingly, the first informant, his Uncle Manohar and cousin Abhijit went to the property. They saw the applicant and Amol destroying the boundary wall of the property. There was an altercation between the applicants and the first informant over the said issue. The first informant has claimed that the applicant Sachin threatened to cause his death and tried to inflict a blow of spade on his head. He tried to avoid the blow by putting forward his left hand and in the process got hit on his left hand. He claims that applicant Mahesh Mane also inflicted a blow of spade on the head of his uncle-

Manohar.

5. The material on record prima facie reveals that the first informant had sustained grievous injury on his left hand. The question whether the applicant had attempted to inflict a blow on his head with an intention or knowledge of causing death of the first informant or whether the applicant shared common intention with Mahesh Mane and his relatives is a question which will have to be decided on merits of the matter.

6. The applicant was arrested on 14th September, 2018 and is presently in judicial custody. He has been interrogated and his presence of the applicant is no longer required in custody for the purpose of interrogation and investigation. The applicant has no criminal antecedents. Besides, he is a permanent resident of Palus, Sangli and there are no chances of his absconding or thwarting the course of justice. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

(i) The applicant no.1 Sachin Jalindar Mane, who is arrested in Crime No.94 of 2018 registered with Palus Police Station, Sangli, is ordered to be released on bail on furnishing P.R. bond of Rs.25,000/-

(Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned Addl. Sessions Judge, Sangli;

(ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer and in the bail bond;

(iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer;

(iv) The applicant shall not interfere with the witnesses or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)