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

CRIMINAL BAIL APPLICATION NO.515 OF 2019

Pandharinath Parshuram Barade	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.D.Kavale, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – R.S.Nalkande, Padgha Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.90 of 2016 registered with the Padgha Police Station, Thane, for the alleged offences punishable under Sections 302, 307, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that there was no motive for the applicant to assault the deceased-Anjanibai. He submitted

that with respect to the incident dated 6th May, 2016, a cross FIR/Complaint has also been lodged by the applicant's side as against the complainant in the present C.R. and others, alleging offences punishable under Sections 324 etc. of the Indian Penal Code. He submits that in the said incident, the applicant has also sustained 5 injuries. He submits that the applicant's entire family has been implicated in the aforesaid case.

4. Learned APP opposed the application.

5. Perused the papers. The incident is alleged to have taken place on 6th May, 2016, at about 12 noon. It appears that the parties are *inter se* related and that some incident had taken place a few days prior thereto, as well as on 6th May, 2016 at 11.00 a.m. It also appears that there used to be intermittent quarrels between both the families over the claim and possession of an open plot of land. According to the prosecution, on 6th May, 2016, at about 11.00 a.m., the complainant's-Vivek Patil's niece informed him that there was a quarrel going on between the co-accused-Manjula, her husband and her son with Shubhangi and her grandmother. It appears that the said quarrel was pacified, however, despite the same, soon thereafter, at about 12 noon, it is alleged by the complainant that co-accused – Mangal had gone on a motorcycle and had abused the complainant's

paternal uncle and that there was some altercation between them. In the said altercation, Manjula's husband, assaulted Ravindra on his head with a wooden log. It also appears that co-accused -Rajendra, assaulted Vaibhav with a wooden log on his hand, which is stated to be a grievous injury. As far as co-accused -Vitthal is concerned, he is alleged to have abused and assaulted Keval with a wooden log on his head. The said injury is a CLW injury. As far as the applicant is concerned, he is alleged to have assaulted Anjanibai (deceased) with a wooden log on her head. It is not in dispute that with respect to the said incident dated 6th May, 2016, which occurred at 12 noon, there is across FIR/complaint lodged by the applicant's side as against the complainant in the present C.R and others, alleging offences punishable under Sections 324 etc. In the said incident, applicant has also sustained injuries. The injuries sustained by the applicant are swelling over his right hand below right index and middle finger, ecchymosis below right eye, swelling over right maxillary area, sutured wound over right parietal region; sutured wound above right eyebrow and medial eyebrow. Although the said injuries are stated to be simple, the fact remains that the applicant has sustained the said injuries in the incident. It appears that the deceased, aged 78 years succumbed to the said injuries allegedly caused by the applicant. Whether or not the offence would be one under Section 302 of Indian Penal Code or a lesser offence, is a matter which will be decided by

the trial Court. The applicant is in custody since May, 2016. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- ii) The Applicant shall not reside in village Tulshi, till the conclusion of the trial. However, liberty is granted to the applicants to file an application, seeking modification/relaxation of the said condition after a reasonable period;
- iii) The Applicant shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- iv) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.