

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.520 OF 2020

Dnyaneshwar Sadashiv Nagtilak,
Age 19 years, Occ.Education,
R/o.At Tavashi, Tal.Pandharpur
(Presently lodged at Prison).

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sandeep S. Salunkhe for applicant.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th February 2020

PC :

1. The applicant is seeking bail in CR No.700 of 2019 registered with Pandharpur Taluka Police Station for offences under Sections 326, 324, 323, 504, 506 r/w 34 of Indian Penal Code on 29th December 2019. Subsequently Section 307 of IPC was invoked. The applicant was arrested on 31st December 2019.

2. The applicant had preferred an application for bail before the Sessions Court, which has been rejected vide order dated 28th January 2020.

3. The prosecution case is that on 29th December 2019, the complainant and his family were harvesting corn crops. At that time Dnyaneshwar Nagtilak, Manoj @ Madhav Yadav and Chandrashekhar Nagtilak approached the complainant and told him not to harvest the corn crop. There was sickle in hand of applicant and the other persons were having sticks in their hand. Complainant

was trying to resolve the dispute. However, applicant assaulted the complainant on his head by sickle. Manoj and Chandrashekhar assaulted complainant by sticks. Complainant's wife Bhamabai and daughter Radhika were also assaulted by kick blow. Complainant tried to click the photograph. Applicant took his phone and deleted the photograph and returned mobile phone. Mother of applicant was present. She was instigating the co-accused to kill complainant. The complainant sustained injuries.

4. There is a cross FIR at the instance of accused registered vide CR No.I-704 of 2019, with the same police station for the offences punishable under Sections 323, 324, 325, 504, 506 r/w 34 of IPC. The said FIR was lodged by Sadashiv Nagtilak. In the said FIR, it was alleged that Hanumant Bhosale, Bhamabai Bhosale, Dadasaheb Yadav and Radhika Bhosale had entered into the field of Sadashiv Nagtilak. Wife of Sadashiv Nagtilak's finger was bitten by Hanumant Bhosale. Mahadev assaulted Sadashiv Nagtilak.

5. The role attributed to the applicant is that he had assaulted by sickle on the head of complainant. I have perused the injury certificate which refers to one injury in the nature of contusion wound on temporal region. There are no antecedents against applicant.

6. Learned APP submits that the complainant Hanmant Bhosale was treated in the hospital and was discharged. However, he is not available since he is apprehending arrest in connection with cross case registered at the instance of Sadashiv Nagtilak.

7. Considering the aforesaid facts, further detention of the

applicant is not necessary. Case for grant of bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.520 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.700 of 2019 registered at Pandharpur Taluka Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Pandharpur Taluka Police Station once in a month on every first Saturday between 11 am and 1 pm till conclusion of trial;
- (iv) The applicant shall not tamper with evidence;
- (v) The applicant shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason.

(PRAKASH D. NAIK, J.)

MST