

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2276 OF 2021

DHIRAJ DHANAJI PAWAR

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Kapil Dave a/w. Mr.Prajit S. Manjrekar, Advocate for the Applicant.

Mr.H.J.Dedhia, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 15th NOVEMBER 2021
PRONOUNCED ON : 22nd NOVEMBER 2021**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.16 of 2021 registered with Police Station Vita, Sangli, for offences punishable under Section 307, 504, 506 read with 34 of the Indian Penal Code (IPC).

2 Informant is nephew of accused Dhiraj Dhanaji Pawar. The applicant-accused is son of said Dhiraj Dhanaji Pawar whereas Usha Dhanaji Pawar is the wife of Dhanaji Pawar. According to the prosecution, a dispute is going on between them in respect of a land bearing Gat No.629 situate at Balavadi, Bhalvan. A stay order of the Court is operating against the applicant-accused.

3 The prosecution alleges that on 8th January 2021, at about 11.30 a.m., the applicant and other accused were ploughing the disputed land and when the informant and his father told them that there is a stay of the Court, the applicant and his parents assaulted the informant and his father Shivaji Dhanaji Pawar by means of a sickle with a view to kill them. The informant, later on, lodged the report.

4 Mr.Kapil Dave, learned counsel for the applicant, submits that the parties to the dispute are in relation and a land dispute is going on between them. Having regard to the alleged

injuries, it cannot be said that the applicant had allegedly attempted to kill the informant and his father. The whole incident took place in a sudden provocation. Charge-sheet has been filed. There are no criminal antecedents. In such circumstances, the applicant deserves to be enlarged on bail.

5 Mr.Dedhia, learned APP, on the other hand, opposed the submissions by contending that the applicant and his parents attempted to kill the informant and his father by assaulting them by means of a sickle. The learned APP then invited my attention to the medical certificate pointing out the grievous injuries sustained by the informant's father. There being no merit in the application, the same is liable to be rejected, argued learned APP.

6 As far as relationship between the parties is concerned, there is no dispute. It is also not disputed that a land dispute is pending in the Civil Court between the parties. In this factual backdrop, the gravity of the incident should be appreciated.

7 No doubt the First Information Report (FIR) shows that when the informant and his father asked the applicant and his parents not to plough the land because of operation of stay order against them, however, all got enraged and assaulted the informant and his father by means of sickle. I have also gone through medical certificate. It does show that there was grievous injury on the left mid-forearm of father of the informant namely Shivaji Dhanaji Pawar. The said injury was in the form of total amputation of left upper extremity at mid forearm level about 5” proximal to the wrist joint and the amputated part was attached to proximal part by a skin of width 2 cm. similarly, there is injury certificate pertaining to the informant. However, he appears to have sustained simple injury.

8 In the above factual backdrop, taking into consideration the relation between the parties and as also the cause of incident including the nature of injury, in my considered opinion, no useful purpose would be served by keeping the applicant behind the bars. More so, when the investigation is

completed and no criminal antecedents are appearing on record against the applicant. The trial is unlikely to be completed in reasonable time.

9 In view of above, I pass the following order :

ORDER

- (i) Applicant – Dhiraj Dhanaji Pawar shall be released on bail in Crime No.16 of 2021 registered with Police Station Vita, Sangli, on his executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in like amount.
- (ii) The applicant shall not tamper with prosecution evidence.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer.
- (iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) Bail before trial Court.

(vi) The application is allowed in the aforesaid terms and stands disposed off accordingly.

(V. G. BISHT, J.)