

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1650 OF 2021**

Subhash Tukaram Dhawale ... Applicant

V/s.

State of Maharashtra ... Respondent

Mr. Sachin Thombare, Advocate for the Applicant.

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

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 30th APRIL 2021.

PC. : Through Video Conferencing.

1. Heard the learned counsel for the applicant and the learned APP for the Respondent – State.

2. The applicant herein is arrested on 15th March 2020 in Crime No.111 of 2020 registered at Pune Rural Daund Police Station for the offences punishable initially under sections 307, 324 r/w 34 of Indian Penal.

3. It is the case of the prosecution that on 6th March 2020 Bhausahab Dhavale lodged a report at the Police Station alleging therein that he is the owner of agricultural piece of land admeasuring 78 Are in Gat No.253. The land was being cultivated by his brother Satish and father Namdeo i.e. the deceased. Dilip Dhavale, Ashok

Dhavale and the present applicant and others are the owners of Gat No.254. There are intermittent disputes over the boundary between both the lands. It is alleged that the land admeasuring 32 Are was encroached upon by the family of the applicant. On 5th March 2020, the first informant had been to his land for giving water at about 9.30 pm. At that time, Namdeo and Satish were also in agricultural land. The first informant heard loud voices and realised that some quarrel was going on and then he saw the present applicant and others assaulting Namdeo with sticks. It is alleged that when first informant tried to intervene he was also assaulted. Namdeo was admitted in the Hospital however, he succumbed to the injuries on 13th March 2020. Column No.17 of post-mortem notes shows that Namdeo who was about 77 years old had sustained most of the injuries on his left lower leg, right lower leg and one healed abrasion present over the forehead on left side just above left eyebrow. The cause of death is shown as death due to head injury.

4. The learned counsel for the applicant vehemently submits that in fact the applicant had no intention of causing homicidal death of Namdeo who was about 77 years old. There was a quarrel and the incident was not premeditated.

5. There is no specific allegation against the present applicant and hence, the applicant deserves to be enlarged on bail. Hence, the following order :-

ORDER

- (i) Application is allowed;
- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount;
- (iii) Application is disposed of on above terms;
- (iv) Parties to act upon an authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J)