

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

CRIMINAL BAIL APPLICATION NO. 4035 OF 2021

Kalyan Abaso Bandgar	... Applicant
Versus	
The State of Maharashtra	... Respondent

Mr. Prashant S. Hagare, for the Applicant.

Smt. Veera Shinde, APP for the State-Respondent.

Mr. Ranjeet H. Patil, for Intervener.

CORAM : V. G. BISHT, J.

DATE : 16th December, 2021.

PC:

The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 250 of 2021 registered with Bhigwan Police Station, District-Pune for the offences punishable under Sections 307, 323, 324, 504, 506 r/w 34 of the Indian Penal Code and Section 25(3) of the Arms Act.

2 It is the case of prosecution that on 08/10/2021 the informant's son, namely, Nagnath had been to the field, who found informant's

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cousin, namely, Abaso Sadashiv Bandgar and his son Kalyan Abaso Bandgar (applicant) putting stones on *bandh* unauthorizedly and, therefore, objected to it. When both of them started abusing, the informant's son called informant on mobile and accordingly informant also reached there. The prosecution alleges that the applicant then gave a blow of sword on the head of informant and when informant's son intervened Abaso Sadashiv Bandgar started beating him by means of a stone. Both of them sustained injuries. Later on, they lodged the report.

3 Mr. Hagare, learned Counsel for the applicant, submits that there is dispute between the parties over land and more over, the informant and applicant being in relations have settled the dispute amicably. In such circumstances, the applicant deserves to be released on bail.

4. Smt. Shinde, learned APP, on the other hand, does not dispute about settlement of the matter between the parties.

5 I have also gone through the Affidavit filed by the informant, as an intervener, in the present application. From the Affidavit on record, it is seen that he and accused have settled their dispute amicably and according to him, the complaint was filed due to misunderstanding and,

therefore, he has no grievance against the applicant, if he is released on bail.

6 In view of above and having regard to the relationship between the parties, the following order is passed.

ORDER

(i) Applicant-Kalyan Abaso Bandgar shall be released on bail in C.R.No. 250 of 2021 registered with Bhigwan Police Station, District-Pune on his executing P.R. bond in the sum of Rs.15,000/- with one or more sureties in like amount.

(ii) Bail before the trial Court.

(iii) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V. G. BISHT, J.)