

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1687 Of 2015.

KARBHARI S/O GHANSHAM CHAVAN.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Dhananjay A. Naik, Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 20th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No.I 224/2014 registered with Police Station, M.I.D.C., Walunj, Taluka – Gangapur, District - Aurangabad for the offences punishable under Section.s. 307, 323, 504 read with 34 of the Indian Penal Code.

[2] Heard Mr. Dhananjay A. Naik, learned counsel for the applicant and Mr. A.V. Deshmukh, learned Additional Public Prosecutor for the State.

[3] The Investigating Officer has already completed the entire investigation and charge sheet is already filed. On 6th September, 2014 Sanjay Jagtap Kale, brother of injured – Ravi has lodged report with Police Station, M.I.D.C., Walunj, Taluka – Gangapur, District – Aurangabad that

on 6th September, 2014 he and his brother – injured were sleeping in their house, which was not having door, that time, at 4.00 a.m. present applicant alongwith his brother came there and picked up a quarrel on the count that, as to why injured – Ravi is not giving divorce to their sister. That time, present applicant gave a knife blow on the abdomen of the injured.

The statement of injured – Ravi was also recorded on 6th September, 2014 by the Special Judicial Magistrate, Aurangabad. In the said statement, he states the time of occurrence as 7 to 8 a.m. when he was brushing his teeth.

However, again Police has recorded his statement on 7th September, 2014 where-in he has turned around in respect of his previous statement recorded on 6th September, 2014 and stated that incident had taken place at 4 O'clock and not in between 7.00 to 8.00 a.m., as claimed by him in his previous statement recorded on 6th September, 2014.

[4] The spot panchnama does not show any blood stains. Further though the present applicant and others were in police custody remand, nothing is recovered at their instance. It is also an admitted fact that, there is long standing dispute between the present applicant and his brother-in-law i.e. injured. In that view of the matter and considering the fact that, already the charge sheet is filed, further custodial presence of the applicant, who is in jail since 13th October, 2014, is not warranted. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - KARBHARI S/O GHANSHAM CHAVAN shall be released on regular bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No.I 224/2014 registered with Police Station, M.I.D.C., Walunj, Taluka – Gangapur, District - Aurangabad for the offences punishable under Section.s. 307, 323, 504 read with 34 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) The applicant shall attend the Police Station, M.I.D.C., Walunj, Taluka – Gangapur, District - Aurangabad once in a week preferably on every Saturday, between 3.00 p.m. to 4.00 p.m., till Charge is framed.
- (v) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)