

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

CRIMINAL APPLICATION NO. 2635 OF 2015.

BAKYA S/O BANDYA KALE
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Nanabhau R. Thorat, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 2nd July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.I 138/2014, registered with Police Station, Karjat, Taluka – Karjat, District – Ahmednagar for the offences punishable under Section/s. 302, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and under Section 37(1) (3) read with 135 of the Bombay Police Act.

[2] Heard Mr. Nanabhau R. Thorat, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor, in extenso.

[3] One of the limb of argument of Mr. Nanabhau R. Thorat, learned counsel for the Applicant is that, since the charge sheet is

filed, therefore, on that ground itself, present Applicant is entitled to be released on bail.

The court is failed to understand such type of argument advanced in the court of law. Such argument deserves to be dismissed.

[4] Though charge sheet is filed, the court is bound to see seriousness and gravity of matter. From the First Information Report it is clear that there is long standing dispute between the complainant party and the present Applicant, who are close relatives and the present Applicant was insisting upon the deceased and his family members to withdraw the earlier court cases.

[5] There are eye witnesses to the incident. All the witnesses are specifically attributing the role of the present Applicant, resulting into death of deceased Abbashya Daginya Kale.

[6] Another statement of learned counsel is that present Applicant is suffering from kidney disease, therefore, on medical ground, he be released on bail.

Alongwith this Application itself the Applicant has placed on record certain documents, which clearly show that, required medical treatment is being provided by the State to the Applicant. Not only that, for his operation, necessary steps are being taken.

[7] In that view of the matter, criminal Application is dismissed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)