

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2918 OF 2015

Bhausahab S/o Ambadas Shelke
Age : 30 years, Occu.: Labour,
R/o. Gondhavani, Tq. Shrirampur,
Dist. Ahmednagar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Satej S. Jadhav, Advocate for the applicant
Mrs. B.B. Gunjal, APP for the respondent-State

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CORAM : M.T. JOSHI, J.
DATED : 28/07/2015

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Shrirampur City Police Station, Tq. Shrirampur, Dist. Ahmednagar in Crime no. I-154 of 2014 for the offences punishable under section 307, 326, 324, 143, 147, 148, 149 of the Indian Penal Code and under section 4/25 of the Indian Arms Act, is praying for his release on bail.

3. The arguments from both the sides as well as copy of the chargesheet would reveal that while the complainant has alleged in the F.I.R. that inter-alia, the present applicant has assaulted his daughter Kavita Barse by sword on her back, the statement of the said lady would reveal that not the present applicant but one Gautam Thombre had assaulted her with the sword on her back.

. The injury certificate regarding the said Kavita Barse would show that she has received one linear laceration on her back alongwith C.L.W. to the left hand middle finger and blunt trauma to the left shoulder. The injury certificate would further show that she was discharged from the hospital on the same day.

4. Learned A.P.P. however submits that statement of all other eye witnesses however would show that the present applicant has assaulted the

injured by sword.

. The report of the concerned Sessions Court would show that the undertrial prisoner, including the present applicant are transferred to Nasik Jail for want of accommodation at Sub Jail, Shrirampur and the accused were also produced before the Sessions Court on the earlier date.

5. Considering all the facts on record and the alleged role of the present applicant, the following order :-

I) The Application is allowed.

II) The applicant be released on bail in Crime no. I-154 of 2014 registered with Shrirampur City Police Station, Tq. Shrirampur, Dist. Ahmednagar for the offences punishable under section 307, 326, 324, 143, 147, 148, 149 of the Indian Penal Code and under section 4/25 of the Indian Arms Act, upon his executing P.R. bond in the sum of Rs.30,000/-

(Rs. Thirty Thousand) and also upon furnishing surety in the like amount.

III) The applicant shall not enter the territorial limits of village Gondhavani, Tq. Shrirampur, Dist. Ahmednagar for a period of one (1) year or till the trial is concluded, whichever occurs earlier, except without the prior permission of the concerned Sessions Court.

IV) The applicant shall not attempt to influence any of the prosecution witnesses in any manner.

6. Criminal Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-