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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.386 OF 2015

Suresh s/o Shankar Kharvi ... Applicant
V/s.
The State of Maharashtra ... Respondent

Ms.Anjali Awasti, for the Applicant.
Mr.Y.M.Nakhwa, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 4th MARCH, 2015.

P.C.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.72 of 2014, registered with the Mankhurd Police Station, Mumbai, for the alleged offences punishable under Sections 302 r/w 34 of the Indian Penal Code.
3. The incident in question took place on 2nd March, 2014 at about 9.30 p.m. It is alleged that the present applicant had gone along with his

son -Vinod to the house of the complainant for taking pension of his grand father. It is alleged that there was some dispute between the parties, with regard to the pension of grand father- Shankar. The complainant's father is alleged to have stated that only when the complainant's grand mother – Radha comes back from Gujarat, they would be able to obtain her signature, and do the needful. It is alleged that there was a verbal dispute on account of the same and that the son of the applicant – Vinod, took the scissor, which was kept on the TV set in the house of the complainant and stabbed the complainants father. Thereafter, the applicant and his son – Vinod are alleged to have left the spot. The deceased was taken to the hospital for treatment and during the course of his treatment, he succumbed to his injuries.

4. Learned Counsel for the applicant contended that there is no overt act attributed to the present applicant and that the incident had taken place, all of a sudden. She submitted that the applicant was related to the deceased and that the incident had occurred at the spur of moment.

5. Learned APP has opposed the present bail application.

6. Perused the charge-sheet. It appears that the incident had taken place at the spur of the moment. No overt act has been attributed to the applicant. According to the prosecution, the co-accused – Vinod is alleged to have stabbed the deceased with the scissor.

7. Considering the nature of allegations, the Applicant deserves to be enlarged on bail on the following terms and conditions ;

ORDER

- i) The Applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount ;
 - ii) The Applicant shall not tamper or attempt to influence any person concerned with the case ;
 - iv) The Applicant shall co-operate in the conduct of the trial ;
 - vi) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.
8. The Application is allowed and disposed of in above terms.

9. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)