

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1183 OF 2015

Santosh Kashinath Mane

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Aniket Vagal for Applicant
Mr. Y. M. Nakhwa APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 17th JULY 2015

PC :

Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 09/01/2014 in crime no. 4 of 2014 registered at R.C.F. Police Station for offence punishable under sections 307, 324, 323, 504 r/w 34 of Indian Penal Code. Investigation is completed and charge-sheet

2) It is the case of prosecution that on 08/01/2014, complainant who happens to be brother of Selva Shankar Kallar lodged a report at the police station alleging that on 08/01/2014 is father Shankar came home at about 8.30 p.m. and informed him that present applicant is consuming alcohol along with

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his two friends near the water tank and that he had quarrel with Hari. Complainant was also informed that his father had pacified the quarrel, however, accused Santosh continued to abuse. Therefore, complainant went to the spot to give an understanding to applicant and request him not to precipitate the quarrel any further since they know each other for quite sometime. At that juncture, applicant had stabbed the complainant with a knife which he had concealed in his pant pocket. Friends of applicant had also instigated the applicant. Complainant had sustained grievous injuries. At that juncture, complainant had raised hue and cry. Hari & Babu had come on the spot and they were also assaulted by the applicant. Thereafter, complainant was taken to the hospital. On the basis of his statement crime no. 4 of 2014 was registered.

3) Perused papers of investigation. Medical case papers of the complainant would show that he had sustained stab injuries to abdomen. The omentum was protruding. He had to undergo Exploratory Laparotomy for the stab injury. He was treated as indoor patient for about 6 days and then was discharged.

4) Learned counsel for the applicant submits that applicant has been in jail

for the past almost 19 months. Incident had occurred on the spur of the moment. That in all probabilities, applicant was in an inebriated condition and had not realized the consequences of his act. There was no pre-meditation. Learned counsel submits that trial may not be conducted expeditiously since there is huge pendency and hence, he prays for grant of bail.

5) Taking into consideration the time spent by the applicant in jail and that investigation is completed, this Court is inclined to allow the application upon imposing certain conditions.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall not reside within the jurisdiction of R.C.F. Police Station till the conclusion of trial and shall report to the police station on four consecutive Sundays, initially for a period of 8 weeks and thereafter, on first Sunday of each month till the conclusion of trial.
- (iv) Applicant shall furnish his address, cellphone no./landline no. to

the Investigating Officer after being released on bail.

(v) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)