

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1279 OF 2015

Dashrath Kisan Malame ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Kedar Patil for the Applicant
Mrs. G.P. Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 01, 2015.**

P.C.

1. This is an application filed by the aforesaid applicant who is facing trial in Sessions Case No.94 of 2015 pending on the file of the Addl. Sessions Judge, Sangli, arising from crime No.150 of 2014 registered at Sangli Rural Police Station for the offence punishable under Section 304 r/w. 34 of the Indian Penal Code.

2. Mr. Patil, learned counsel for the applicant submitted that the daughter of the applicant and the deceased were in friendly relation

which had resulted into their indulging in physical relation with each other. Subsequently, the deceased had refused to marry the daughter of the applicant and had further assaulted her brutally. He has further submitted that the daughter of the applicant was found lying in the paddy field for over two days in injured condition. She was shifted to the hospital but she succumbed to the injuries. He has further submitted that subsequent to the death of his daughter, the relations between the applicants family and the family of the deceased were strained.

3. He has submitted that the FIR does not disclose the name of the applicant in the alleged incident of 11.12.2013. The statements of the other witnesses also do not indicate that the applicant was involved in stabbing the deceased. He has stated that all male members of the family have been roped in this crime due to the previous enmity. He has submitted that the applicant is in custody since 16.12.2014. He therefore prays that the applicant be released on bail.

4. The learned APP for the State has submitted that the offence is of serious nature. She has stated that the statements of the witnesses prima facie show that the applicant had held hands of the deceased and thereby facilitated the commission of the offence.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. At the outset it may be mentioned that the material on record reveals that the son of the first informant had sustained multiple stab injuries on the chest and abdomen and that he had expired due to haemorrhagic shock due to the said injuries.

6. Shri Vasant Harale, father of the deceased had lodged FIR on 11.12.2014 based on the information given by one Gajanan Gaikwad. The name of the applicant herein is not disclosed in the said FIR. The statement of Gajanan was recorded on 12.12.2014. Said Gajanan had not implicated the applicant herein in the initial statement, but had implicated the applicant only in the supplementary statement which was recorded on 18.12.2014. Be that as it may, the statements

of other witnesses prima facie reveals that there was an altercation between the applicant and the deceased and that in the course of the said altercation, the applicant had held the hands of the deceased and thereafter his sons had rushed to the spot with chilli powder which they sprinkled on the deceased and thereafter stabbed him with a knife. The records do not prima facie indicate that the applicant herein was involved in stabbing the deceased or that he had an intention of causing death of the deceased.

7. The applicant is in custody since 16.12.2014. The trial has not yet commenced. Considering these facts, so also considering the nature of the allegations levelled against the applicant and the background of the case, in my considered view the applicant is entitled for bail.

8. Under the circumstances, the application for bail is allowed on the following terms and conditions:-

i) The applicant be released on bail on the applicant furnishing

bail bond of Rs.25,000/- with two solvent sureties each in the like amount to the satisfaction of the learned Sessions Judge, Sangli.

ii) The applicant shall not interfere with any of the witnesses or tamper with the evidence in any manner.

iii) The applicant shall appear before the trial court on each and every date of hearing.

(ANUJA PRABHUDESSAI, J.)