

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2727 OF 2014

Ravindra Suresh Dhumal

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Sanjeev Sawant i/b B. K. Barve & Co. for Applicant

Mr. S. S. Pednekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 10, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 26/04/2014 in crime no. 71 of 2014 registered at Niphad Police Station for offence punishable under section 302, 307, 120 of Indian Penal Code.

2) It is the case of prosecution that on 25/04/2014, Bharati wife of Sunil Chandore lodged report at the police station alleging therein that on 25/04/2014, her husband Sunil had left the house at about 6.00 pm to bring milk. He brought the milk. At that time, her mother-in-law Pramila was walking in the courtyard. At about 8.00 pm Anna @ Siddharth Salve who was

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working as mason had asked her husband to drop him at Kothure Phata. After sometime, he returned alone. Pramila had questioned him about the whereabouts of her son Sunil. He had replied that Sunil is talking to his friends just behind the house. Within a short while, he had assaulted Pramila with a knife on her throat. Thereafter, Pramila has noticed her son in an injured condition near the courtyard of the house. Sunil had succumbed to the injuries.

3) On 26/04/2014, autopsy was conducted on his dead body. Cause of death was 'Acute massive haemorrhage shock due to severe trauma to the left side of the neck across right carotid sheath'. It was apparent that Anna @ Siddharth Salve had caused fatal injury to Sunil. Name of the applicant is not stated in the F.I.R. Supplementary statement of complainant to recorded on 26/04/2014. She has stated that at the relevant time, she had seen Anna @ Siddharth Salve fleeing from the spot and at that time, there were two boys behind him. She has not given the description, however, has only stated that they had grown their hair. It is pertinent to note that she has not identified present applicant. There is no incriminating circumstance against present

applicant. Learned APP submits that on 26/04/2014, when the applicant was arrested, he had blood stained clothes on his person.

4) It is pertinent to note that incident has occurred at about 8.00 pm of 25/04/2014. At this stage, it cannot be simply believed that he would be wearing blood stained clothes till the next day. In any case, there is no specific circumstance to warrant further incarceration of the present applicant. In view of this, applicant deserves grant of bail. Accused Anna @ Siddharth Salve shall not claim parity with the present applicant. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)