

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 429 OF 2016

Ramchandra @ Tatya s/o Hanumant More,
Age: 26 years, Occ: Agri.,
R/o. Chumbli, Tq. Bhoom,
Dist. Osmanabad.

...Applicant

versus

The State of Maharashtra
Through Police Station, Bhoom,
Tq. Bhoom, Dist. Osmanabad..

...Respondent

WITH

**CRIMINAL APPLICATION NO. 926 OF 2016
IN
CRIMINAL APPLICATION NO. 429 OF 2016**

Shivshankar @ Samadhan Mahaling Giram,
Age: 27 years, Occ: Agri.,
R/o. Chumbli, Tq. Bhoom,
Dist. Osmanabad.

...Applicant

versus

The State of Maharashtra
Through Investigation Officer,
Police Station, Bhoom.

...Respondent

.....

Mr. V.M. Humbe, Advocate for applicant
Mr. S.M. Ganachari, A.P.P. for respondent/State
Mr. Nagesh Talekar, Advocate, assit to A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 9th FEBRUARY, 2016

ORAL ORDER :

For the reasons stated in the application, Criminal

Application No. 926 of 2016 to assist A.P.P. stands allowed.

2. The applicant is seeking regular bail in Crime No.44 of 2015 registered with Bhoom Police Station, District Ahmednagar, for the offence punishable under Sections 307, 326, 324, 323, 506, 504 read with Section 34 of the Indian Penal Code, for the alleged incident dated 27/04/2015 registered on 28/04/2015.

2. The prosecution story is that the applicant has tried to kill one Sanjay with use of weapon knife.

3. After the applicant was arrested in the crime, the investigation in the matter is complete and charge sheet is already filed.

4. While trying to make out the case for grant of regular bail, learned Counsel for the applicant submits that the investigation is complete and charge sheet is filed, as such, further detention is not necessary. He would then urge that there is counter F.I.R. vide Crime No. 45 of 2015 lodged by one of the accused in the present crime against the complainant for the offence punishable under Sections 307, 325, 324, 323, 147, 148, 149, 504, 506 of Indian Penal Code and under Section 4/25 of Arms Act.

5. Learned Counsel for the applicant would then submit that the applicant has also suffered grievous injury and has invited attention of this Court to the injury certificate to that effect.

6. Learned A.P.P. submits that the applicant's *prima facie* involvement to the crime in question is not in dispute as there is sufficient evidence on record. It is also pointed out that another offence punishable under Section 392 of Indian penal Code is registered against the applicant after Crime No. 44 of 2015. It is claimed that the applicant is habitual offender and as such, his application be rejected.

7. Learned A.P.P. was assisted by learned Counsel for the complainant.

8. Perused the investigation papers. The investigation in the matter is complete and charge sheet is already filed, as such, further custodial detention is not necessary.

9. There appears to be counter F.I.R. vide Crime No. 45 of 2015 in which applicant also suffered grievous injuries. All the applicants in both the crimes are already released on bail.

10. In my opinion, further detention of the application is not necessary. Hence, the following order.

The applicant be released on bail in connection with Crime No.44 of 2015 registered with Bhoom Police Station, District Ahmednagar, for the offence punishable under Sections 307, 326, 324, 323, 506, 504 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

11. Criminal Application No. 429 of 2016 stands allowed in above terms.

[N.W. SAMBRE, J.]