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

CRIMINAL APPLICATION NO.2245 OF 2016

Sukhdeo s/o Mohan Gajbhiv ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr G.J. Pahilwan, Advocate for applicant;
Mr C.V. Dharurkar, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 15th June, 2016

ORAL ORDER :

Heard.

2. By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.I-136 of 2015, registered with Paithan M.I.D.C. Police station, Tq. Paithan, Dist. Aurangabad, for offences punishable under sections 307 and 504 of the Indian Penal Code.

3. The applicant was arrested on 11th December, 2015, i.e. immediately on the next day of the incident.

4. The prosecution story is that the applicant is of suspicious nature, particularly in the matter of behaviour of his wife and on 10th December, 2015, at 3.30 a.m., he has tried to murder her by hitting a heavy stone of

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about 20 Kg. on her head when she was asleep.

5. The applicant is behind bars since last six months. Investigation is complete and charge-sheet is already filed.

6. The injury certificate depicts of simple injuries suffered by the complainant.

7. Apart from above, it is to be noted that the applicant, who was married to the complainant is blessed with daughters, who are studying. The applicant, at the relevant time, appears to be the earning member of the family.

8. Having regard to social angle and the fact that there are no criminal antecedents against the applicant, in my opinion, it will be appropriate to order his release on bail. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.I-136 of 2015, registered with Paithan M.I.D.C. Police station, Tq. Paithan, Dist. Aurangabad, for offences punishable under sections 307 and 504 of the Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

A single complaint on the part of the complainant or her daughters about behaviour and conduct of the applicant will entail the prosecution or the complainant to approach this Court for cancellation of bail.

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It is to be noted that this Court had ordered notice in the matter on 20th April, 2016. Thereafter the matter was adjourned at the behest of the learned Addl. Public Prosecutor. The Investigating Officer has not responded to the notice issued by this Court and as such, learned Addl. Public Prosecutor was handicapped, though he has tried to assist the Court from the available record. Such conduct of the Investigating Officer in not co-operating the learned Addl. Public Prosecutor in the conduct of judicial proceedings is required to be taken note of and be referred to the Inspector General of Police, Aurangabad Range, Aurangabad, for information and appropriate action.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj