

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2358 OF 2016

Pankaj s/o Raghunath Pardeshi .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr Sudarshan J. Salunke, Advocate for the applicant
Ms Rashmi Gour, A.P.P. for the respondent/State

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CORAM : N.W. SAMBRE, J.

DATE : 21/06/2016

ORAL ORDER:

1. Heard.

2. The applicant is seeking regular bail in Crime No. 288 of 2015, registered at Dhule Taluka Police Station, Dist. Dhule, for the offences punishable under sections 307, 324, 452, 504, 506 r/w 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

3. The charge-sheet in the matter is already filed vide Special Case (SC/ST Atrocities Act) No. 5/2016.

4. The prosecution case as against the present applicant is that, the complainant was having love

affair with the sister of the applicant, who was separated from her husband and applicant and his father, started threatening the complainant and assaulted him on 21.11.2015 causing grievous injury.

5. The applicant, thereafter, was arrested on 24.11.2015 and was subjected to custodial interrogation. A knife was recovered from the present applicant.

6. The investigation in the matter is already complete and charge-sheet is also filed. In the above referred background, Shri. Salunke, learned counsel for the applicant would urge that, the further detention of the applicant is not necessary as the investigation in the matter is already complete. There are no criminal antecedents and it is the act of the complainant of establishing a love affair with a sister of the applicant which has provoked the applicant in committing the offence in question.

7. The learned APP opposed the application on the ground that, there is strong *prima facie* evidence and the statement of the eye-witnesses supports the case of the prosecution.

8. Having bestowed my thoughts to the submissions made, it is to be noted from the FIR that, the complainant, one of the victim has admitted that he was having love affair with the sister of the applicant – Pankaj namely; Seema, who was a married woman separated from her husband. The learned counsel is right in pointing out that, the complainant has provoked the applicant in committing the crime in question.

9. There are no criminal antecedents. Apart from the above, the investigation in the matter is already complete and the charge-sheet is also filed, no purpose would be served in keeping the applicant behind the bars. Hence, the following order.

ORDER

- (i) The applicant be released on bail in Crime No. 288 of 2015, registered at Dhule Taluka Police Station, Dist. Dhule, for the offences punishable under sections 307, 324, 452, 504, 506 r/w 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, upon his

executing P.R. bond in the sum of Rs. 15,000/-
(Rs. Fifteen Thousand) with one surety in the
like amount.

(ii) The applicant shall not tamper with the
prosecution evidence and witnesses.

10. Criminal Application stands disposed of
accordingly.

[N.W. SAMBRE]
JUDGE