

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

7 CRIMINAL APPLICATION NO. 3820 OF 2016

SHIVAJI S/O KONDIBA DIVATE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. S.P.Urgunde, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 23rd AUGUST, 2016

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PER COURT :

1. The applicant/accused in Crime No. 29/2016 registered at Renapur police station, Tq. Renapur, Dist. Latur for the offence punishable u/s 307 of the Indian Penal Code by this application is seeking bail after filing of the charge sheet.

2. Heard. Perused the charge sheet. According to the learned A.P.P., apart from the injured, there is another eye witness to the incident in question and considering the injury certificate, the applicant is not entitled for bail.

3. Perusal of the charge sheet shows that on 09/02/2016, when injured/informant Sadashiv s/o Rama Kature was sleeping at his field beside his brother-in-law Sakharam Harischchandra Narhare, at about 10.00 p.m., the applicant, who is adjoining field owner, came and assaulted injured Sadashiv Kature by means of an axe. The reason for assault is stated to be dispute regarding bund of the field.

4. Injury certificate of Sadashiv Kature shows that he had fracture injury to left clavicle apart from contusion and contused lacerated wound. He appears to be discharged from the hospital. As such, there is no possibility of the aggravation of the offence. The applicant is reported to be 70 years of age.

5. As the investigation is over and charge sheet has been filed, further pre-trial detention of the applicant is not warranted. Hence, the following order.

- (i) The application is allowed.
- (ii) Applicant Shivaji s/o Kondiba Divte in Crime No. 29/2016 registered at Renapur police station, Tq. Renapur, Dist. Latur for the offence punishable u/s 307 of the Indian Penal Code be released on bail on executing P.R. Bond of ₹ 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.
- (iii) As a condition of this Order, the applicant shall

not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

- (iv) The applicant shall not tamper the evidence of the prosecution.
- (v) The applicant to co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]