

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.306 OF 2016

Shivam Sunil Waghmare	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Vishal L. Kolekar for the applicant.
Mrs. G. P. Mulekar, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 18th February, 2016.

P.C. :

This is an application for bail filed by the aforesaid applicant who is arrested in Crime No.58/2015 registered at Bibewadi Police Station for the offences u/s.302, 307, 323, 504, 506(II) r/w. Sec 34 of IPC and u/s.37(1) (a) r/w. Sec 135 of Bombay Police Act and u/s.4(25) of Arms Act.

2. Heard Mr. Kolekar, learned counsel for the applicant and Mrs. Mulekar, the learned APP for the State.

3. The case of the prosecution in brief is that the applicant herein is the brother-in-law of the deceased Sanjay Premanand Dede. On 23/4/2015 there was a quarrel between the deceased and his

wife Neha and father of Neha had lodged a complaint against the deceased Sanjay and taken Neha to her matrimonial house. The FIR prima facie reveals that on the same date at about 10.00 p.m., the complainant Nitesh Kamble had accompanied the deceased Sanjay to the house of Neha to bring her back. The FIR further reveals that the applicant and his father had abused the deceased and the complainant and thereafter the brother of the applicant had inflicted injury on the complainant Nitesh and Sanjay by means of a knife. The complainant as well as the deceased Sanjay had sustained injuries. They were admitted in the hospital. The deceased Sanjay succumbed to the injuries sustained in the said incident.

4. The FIR prima facie reveals that there was a quarrel between the deceased and his wife Neha and the deceased had gone to the house of the applicant to bring back his wife. The records do not prima facie show the involvement of the applicant in causing any serious injury either to the complainant or the deceased. In view of above, my considered view, the applicant is not required to be detained in custody. Hence the bail application is allowed on the

following terms and conditions:

- i) The applicant be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand Only) with one or two solvent sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.
- ii) The applicant shall not interfere with the complainant or any other witnesses and shall not tamper the evidence in any manner.
- iii) The applicant shall not leave Pune District without prior permission of the learned Additional Sessions Judge, Pune till the case is committed to the Court of Sessions.

(ANUJA PRABHUDESSAI, J.)