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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1602 OF 2016

Ram @ Ramu Raghunath Madhavi .. Applicant.
Vs.
The State of MaharashtraRespondent

Mr. Rajiv Patil, Senior Advocate a/w Ms Sanchita Thakur
for the Applicant.
Mr Deepak Thakare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 10th October, 2016.

P.C.

1) The applicant is seeking bail in CR No.I-205 of 2015 registered with Bhiwandi Taluka Police Station, District Thane under Sections 143, 147, 148, 149, 302, 307, 336, 323, 504, 506 of IPC and Sections 3,4, and 25 of Indian Arms Act.

2) The FIR is lodged by Mr. Nityanand Sham Karbhari on 17.8.2015. It is stated in the said FIR that, the complainant was belonging to Dharmaveer Mitra Mandal

and the applicant and other accused persons were belonging to Seven Up Mandal. That the accused persons by name Atish Chandrakant Patil and Nitesh Chandrakant Patil are the cousin brothers of sister-in-law of the complainant. That the marriage of his brother with the complainant's sister-in-law was love marriage and therefore the accused persons Atish Patil and Nitesh Patil were having grudge against the brother of the complainant by name Satyam Sham Karbhari. That on 16.8.2015, at about 10:00 p.m., an altercation took place between the complainant and other accused persons which ensued in a fight. The brother of the complainant Satyam Karbhari, his father Sham Shankar Karbhari and other persons came at the spot. At that time the accused Raju Madhavi and Nitesh Patil caught hold Satyam and accused Atish Patil inflicted a blow with a sword stick on left side of the chest of Satyam. The accused Sanju Ramu Madhvi inflicted blow with knife on the stomach of deceased Satyam. After Satyam fell down on earth, the accused Pralhad Madhvi hurled a big stone on

the left leg of Satyam. It is further stated that the applicant Ramu Madhvi brought a gun and by pointing it towards the head of the complainant threatened him. As far as the applicant is concerned, the complainant in the FIR has stated that, along with eleven named accused persons, other seven to eight accused persons were also present at the scene of offence.

During the course of investigation the police have recorded the supplementary statement of the complainant and the names of the other accused persons have come on record. That after completion of the investigation, police have filed charge-sheet.

3) The record discloses that apart from the first informant Nityanand Karbhari there are two other eye-witnesses who supported the allegations of threat, at the point of gun, to the first informant Nityanand Karbhari by the applicant. The record reveals that the said gun which was in the hands of the applicant was a single barrel 12 bore licenced weapon. The witnesses have stated that the

applicant threatened the first informant Nityanand Karbhari at the point of said gun. The record of the present case is absolutely silent about the use of the said gun i.e. the applicant at any point of time fired it or that the said gun was loaded with the cartridge. Thus, the role attributed to the present applicant in the present crime is of pointing out the gun to the first informant Nityanand Karbhari and threat extended to him. It is submitted across the Bar that there are no antecedents at the discredit of the applicant.

5) The applicant is arrested on 19/8/2015 and since then he is in jail. The investigation pertaining to the present crime is completed and no purpose will be served by further detaining the applicant in jail.

6) In view of the above, the applicant has made out a case for his release on bail.

Hence, the following order :-

(i) The applicant be released on bail in CR No.I-205 of 2015 registered with Bhiwandi Taluka Police Station on his furnishing PR bond of

Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the Bhiwandi Taluka Police Station on every 1st and 3rd Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial.

(iii) The applicant shall also attend all the dates before the trial Court;

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail;

(v) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)