

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1911 OF 2016

Govind Tolaram Rathod

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Viresh V. Purwant Advocate for Applicant.

Mr. Prashant Jadhav APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : OCTOBER 6, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 12/06/2016 in crime no. 337 of 2015 registered at Vijapur Naka Police Station, Solapur for offence punishable under sections 307, 323, 504, 506 r/w 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) It is the case of the prosecution that on 06/10/2015, Sanjay Hatture lodged a report at the police station, alleging therein that on 06/10/2015, he had been to visit his maternal uncle. That Sham Shankar Chavan and his son-

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in-law i.e. the present applicant were quarreling with his maternal uncle. The employee of his maternal uncle namely Ravishankar Kanmas was attempting to separate the quarrel. In the said scuffle, it is alleged that the present applicant along with Sham Chavan had attempted to strangle his maternal uncle with rope. Uncle was taken to City Hospital and was given treatment.

3) Applicant had initially filed an application under section 438 of the Code of Criminal Procedure, 1973 which was rejected up to the High Court and thereafter, applicant had surrendered on 12/06/2016. Perused the compilation of the charge-sheet, more particularly the injury certificate which shows that Mr. Rajkumar Sarne was subjected to City Scan, X-ray, M.R.I. and Sonography. The final impression was nothing abnormal detected. There is no external injury. It appears that there is a ligature mark on the neck.

4) Taking into consideration the nature of allegations, it appears that incident had taken place on the spur of the moment. There was no pre-meditation. Taking into consideration the nature of allegations, injury certificate and more particularly the fact that investigation is completed and charge-sheet is filed, applicant deserves to be enlarged on bail. However, it is made clear that observations made herein above are prima facie in nature and

shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report to the police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)