

*Ladda*FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1876 OF 2015

Brain Mathew Fernandes Vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Prashant Aher for the applicant.
Smt.S.D. Shinde, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 07th January, 2016

P.C.

1. The applicant is seeking bail in C.R. No. 44 of 2015 registered with Malwani Police Station, Mumbai for the offence punishable under section 307 of IPC.
2. The complainant Lobina Loba has lodged the report stating that she was having love affair with the applicant since last three years. Since last one year from the date of lodging of the FIR, the applicant who was the fiance of the complainant used to take objection about her speaking with others and attending the duty. She, therefore, had decided to separate from him. A month prior to 21.1.2015, the applicant had been to the house of the complainant and threatened her that if she discontinues the relations with him he will kill her. He had also assaulted her by fists.
3. On 21.1.2015 when the complainant was passing through a lane in front of her house, the applicant came there and requested her that, he wants to have a talk with her. The applicant and the complainant were

standing on the road. The applicant, thereafter, continued the relations with her and also told her that he will not beat her thereafter. The complainant refused to continue with the relations and started to go back to her house. In the meantime, the applicant came from backside the complainant, hold her neck with the left hand and assaulted the complainant with a small size knife on her left hand, on the wrist and elbow of the left hand and when the complainant tried to rescue herself from his clutches, the applicant stabbed her on her neck. In the meantime, the people in the vicinity gathered. At that time, the applicant inflicted blows with the knife on his own neck and other parts of the body. The applicant was thereafter admitted to the hospital. The medical certificate of the applicant which is at page 51 to the present application, discloses that the applicant had inflicted injuries which were “self-inflicted injuries” /multiple stab injuries over neck and peri-umbellical region.

4. The learned APP submitted that though the applicant does not have any antecedents at his discredit, there is every possibility that if the applicant is released on bail, he may cause hurt to the complainant.

5. In view of the above, I am of the opinion that the applicant can be released on bail by imposing strict conditions.

6. Hence, the following order :-

- (a) The applicant be released on bail in C.R. No. 44 of 2015 registered with Malwani Police Station, Mumbai on his furnishing PR. bond of Rs.25,000/- with one or two local solvent sureties in the like amount;
- (b) After his release from jail, the applicant shall not enter the jurisdiction of Mumbai Police Commissionerate;
- (c) The applicant is permitted to enter the jurisdiction of Mumbai Police Commissionerate only to attend the Court proceedings on the scheduled dates.

(d) The applicant shall provide to the Investigating Officer and to the trial Court, his address, where after release he is going to reside.

(e) After attending the Court proceedings, the applicant shall remove himself from the jurisdiction of Mumbai Police Commissionerate;

(f) The applicant shall attend the trial Court on first Monday of every month between 11:00 to 1:00 p.m;

(g) The applicant shall not tamper with the evidence and/or influence the witnesses;

7. The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)