

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2400 OF 2016

Mahesh Dattaram Jadhav Applicant

Vs.

The State of Maharashtra Respondent
Thru' Mumbra Police Station

Mr. Surel Shah, i/by Mr. Sachin K. Hande, Advocate for the
applicant.

Mrs. J.S. Lohokare, APP for the State.

Coram : N.W. SAMBRE, J.

Date : 15th December, 2016

P.C.

1 The applicant is seeking bail in C.R. No. I-188 of 2016, registered with Mumbra Police Station for the offences punishable under Sections 302, 307, 143, 144, 147. 148, 149 of Indian Penal Code.

2 The learned counsel for the applicant while trying to make out a case for grant of bail would urge that the applicant is falsely implicated in the crime in question. According to him, there were differences in the family of Gulchand, his co-brother and his wife-Preeti. Preeti, sister-in-law of the applicant left home on being slapped by Gulchand (co-brother of the

applicant), a day before the accident. Other co-brothers, their wives including wife of the applicant, relatives and friends of Gulchand assaulted each other's group members resulting into the registration of crime. The offence which has led to registration of crime under Section 302 is not attributed against the applicant. There are no statements whatsoever involving the present applicant into the crime in question. He has taken me to the charge-sheet to substantiate his contention.

3 The learned APP submits that there is a general statement made by Gulchand that all the accused persons have tried to assault Gulchand and the same has resulted into the death of one of the person from the side of Gulchand and injury to other persons.

4 What could be gathered from the record is Gulchand was married to one Preeti and a day before the incident, quarrel ensued between them. On the next day, Preeti alongwith her parents and other relatives including that of the applicant came to the place of Gulchand, which has resulted into assault on Gulchand, his mother Sarita, her brother Narayan, Narayan's son etc.

5 Upon perusal of each of the statement on record, the applicant, co-brother of Gulchand is not named with any active role but for his physical presence. There are also no attribution against him so as to connect him to the crime in question, his

presence on the spot is just because he was co-brother of Gulchand and his wife has made him to attend a meeting for settlement of differences in between Gulchand and his wife.

6 So far as the crime punishable under Section 302 or 307 Indian Penal Code is concerned, none of the witnesses named the present applicant of any active participation nor any of the injured has named, in use of physical force. The applicant though was present has not suffered any injury, which prima facie speaks of non participation.

7 In my opinion, a case for grant of bail is made out. The application is therefore allowed. The applicant be released on bail on furnishing P.R. bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties in the like amount.

8 The applicant to attend Mumbra Police Station as and when called by Police.

9 Three consecutive absence of the applicant before the court below will entail for cancellation of bail by the said court.

10 The applicant not to tamper with the evidence and/or influence the witnesses in any manner whatsoever.

(N.W. SAMBRE, J.)