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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 308 OF 2017

Chagan Kisan Koli,
Age: 62 years, Occu: Agriculture,
R/o – Bhortek, Tq. Shirpur,
District Dhule

..APPLICANT

VERSUS

The State of Maharashtra,
through,
The Investigation Officer,
Crime No. 56 of 2016 registered with
Police Station, Thalner, Tq. Shirpur,
District – Dhule

..RESPONDENT

Mr Milind Patil, Advocate for applicant;
Mr S. M. Ganachari, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 7th February, 2017

ORAL ORDER

By this application under Section 438 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.56 of 2016, registered with Police Station, Thalner, Tq. Shirpur, Dist. Dhule, for offences punishable under Sections 307, 324, 326, 504,506 read with Section 34 of the Indian Penal Code.

2. Amongst other, the grounds as are raised are, plea of alibi, advance age of the applicant and health problems suffered by him.

(2)

3. According to the learned Counsel appearing on behalf of the applicant, the applicant was in Government Hospital when the offence in question is claimed to have been committed. He would then submit that the applicant is HIV positive patient and looking to his advance age, he be granted pre-arrest bail, as for the obvious reasons he is implicated in a false crime.

4. Learned Addl. Public Prosecutor opposed the application based on the statements of the witnesses, injury certificate and criminal antecedents.

5. While considering the submissions, learned Counsel appearing on behalf of the applicant made a categorical statement that the applicant is already acquitted in all offences which were registered against him.

6. What could be noticed from the investigation papers that there are eye-witnesses to the incident and injury certificate depicts of an injury caused by a sharp weapon.

7. So far as health condition of the applicant is concerned, the same can be taken care of by the investigating agency, in case he surrenders.

8. In view thereof, there is a prima facie case against the applicant. He, therefore, is not entitled to pre-arrest bail. Thus, the Criminal Application stands rejected.

(N. W. SAMBRE, J.)

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