

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

CRIMINAL APPLICATION NO. 1880 OF 2017

Vijay s/o. Shamrao Borade .. Applicant
Age. 18 years, Occ. Education,
R/o. Ganeshpur, Tq. Kannad,
Dist. Aurangabad.

Versus

The State of Maharashtra .. Respondent

Mr.A.D. Gawale, Advocate for the applicant.
Mr.S.M. Ganachari, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE,J.
DATED : 25.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. The papers of investigation made available for perusal of this Court.

2. The crime is registered on the basis of report given by one Godabai Rajput, aged about 40 years. The incident took place in the night between 08.03.2017 and 09.03.2017. The allegations made show that on that night after 01.00 a.m. two boys entered the house, when the complainant was sleeping. They first asked for drinking water. The complainant has made allegation that when she wanted to give drinking water, all of a sudden they

inflicted injury on her neck by using some sharp weapon. During this scuffle her ornament (Mangalsutra) fell on the ground. She has shouted. Then the two boys ran away.

3. The papers of investigation includes statements of the person showing that the applicant has given extra judicial confession to such person. However, the record does now show that identification parade was held and the lady was given an opportunity to identify the accused. The applicant has been behind the bar since 15.03.2017. There is no allegation that present applicant had given blow of knife. The medical report, which is a discharge card, shows that there was simple injury which was managed conservatively. In view of the circumstance and there are no bad antecedents, this Court holds that it is not desirable to keep the applicant behind the bar till disposal of the case.

i. In the result, the application is allowed.

ii. The applicant – Vijay s/o. Shamrao Borade be released on bail in connection with Crime No.69 of 2017, registered with Pishor Police Station, Tq. Kannad, Dist. Aurangabad, for the offence punishable under sections 452, 307 read with section 34 of the Indian Penal Code, on his furnishing PR. & SB of Rs.40,000/- (Rupees Forty

Thousand) with one or more solvent sureties in like amount.

iii. The applicant is not to tamper the prosecution witnesses and he is not to commit similar offence.

[T.V. NALAWADE, J.]