

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 982 OF 2016

Babu @ Prabhakar Dattu Bhoys

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Viresh Purwant Advocate for Applicant.

Mr. R. M. Pethe APP for the State.

Mr. S. N. Choudhari, API, Wada Police Station.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 6th FEBRUARY, 2017.

PC :

1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 29/09/2015 in crime no. 238 of 2015 registered at Wada Police Station for offence punishable under section 307 of the Indian Penal Code. Investigation is completed and charge-sheet is filed on 21/12/2015.

2) It is the case of the prosecution that on 27/09/2015 Alka Wagh lodged a report at the police station alleging therein that her niece Ms. Manisha had love affair with present applicant. They had also eloped on two occasions.

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Since the applicant happened to be a married man, complainant and her husband had opposed the said relationship and since then, they were not on cordial terms with the applicant. It is alleged that on 27/09/2015, at about 6.00 p.m., when she along with her daughter were fetching water, applicant had confronted them and stabbed them with a knife on the chest and back. That when they raised hue and cry, people had gathered on the spot and the applicant had fled away.

3) Perused the compilation of the charge-sheet, more particularly, the injury certificates. The injury certificate of the complainant would indicate that she had sustained contused lacerated stab injury on chest admeasuring 8 X 2 X 5 cm and her daughter Darshana sustained a stab injury on her back which was 5 X 1 X 2 cm. In the certificate doctor has described the said injuries as simple injuries. Perused the statement of Manisha who happens to be a cause for her aunt and present applicant being on inimical terms. She has specifically stated that she had voluntarily eloped with the present applicant and therefore, she had not lodged any report against him, however, her uncle and aunt were on inimical terms with the applicant. Applicant has been in custody for nearly more than 16 months. Charge-sheet is filed, nature of

injuries is simple and therefore, applicant deserves to be enlarged on bail.

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 solvent sureties in the like amount.
- (iii) Applicant shall not reside at Taluka Wada till the conclusion of the trial.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)