

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1346 OF 2017**

Ramesh Ramlal Rajbhar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kedar J. Patil for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 10th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-680 of 2016 registered with the Tulinj Police Station, Palghar, for the alleged offences punishable under Sections 307, 201 of the Indian Penal Code and under Sections 3, 25, 27(1) of the Arms Act.
3. Learned Counsel for the applicant submits that the complaint is lodged as against the applicant, by PI Surendra Garad and not by the applicant's wife. He submits that at no point of time, the victim, who is the

wife of the applicant, had made any allegations as against the applicant. He submits that infact, it was the applicant who took his wife (injured) to the hospital and thereafter to another hospital for treatment. He also relied on the letter dated 12th December, 2016 written by the applicant's wife to the Additional Superintendent of Police, Palghar, stating therein, that she had not given any statement against her husband and that her husband has been falsely implicated in the said case.

4. Learned A.P.P opposed the application. He does not dispute the fact that there are no eye-witnesses to the said incident. Learned A.P.P states that there is no recovery of any weapon i.e. forearm at the instance of the applicant.

5. Perused the papers. The alleged incident has taken place on 9th December, 2016 at about 8:00 p.m. A perusal of the statement of the applicant's wife who is the injured, shows that she was in the house along with her two children. She has stated that her husband returned home at about 8:00 p.m. with *samosas* for them. He has stated that she went to the kitchen to remove the *samosas* in a plate and when she was standing near

the fridge, suddenly she felt something on her left thigh and that the said injury started burning and bleeding. She has stated that her husband immediately rushed her to the hospital and admitted her to the hospital. The statement of the applicant's son aged 7 years shows that there was a quarrel between the applicant (father) and his mother (injured) and suddenly there was a loud noise. He has stated that as there was a bleeding injury, the applicant took his mother and brother, on the motorcycle to the hospital. It is not in dispute, that the applicant admitted the injured in the hospital. There is no recovery of any weapon at the instance of the applicant. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iii) The applicant shall not tamper with the evidence or attempt to contact or influence the witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.