

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1904 OF 2016

Sandeep Dattu Sambre	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

None for the applicant.
Mr.R.M.Pethe,APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 25th January, 2017.

P.C.

None present for the applicnt. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 26.4.2016 in Crime No.191 of 2016 registered at Virar Police Station on 26.4.2016. The investigation is completed and charge sheet is filed against the applicant on 21.7.2016 for the offences punishable under Sections 307, 504, 506 of the Indian Penal Code.

2. It is the case of the prosecution that the brother of the present applicant had lodged a report to the police station on 26.4.2016 alleging therein that both the brothers reside separately. That he has no cordial terms with his father or brothers and therefore he is not on talking terms with them. It is alleged that on 25.4.2016 his cousin Dnyanesh Sambre had

been to meet the complainant Rahul Dattu Sambre. The father of the complainant told him that he shall not stay there and there was some verbal altercation between the father and the first informant. It is alleged in the meanwhile the present applicant had come to the spot. He was under the influence of alcohol. he saw the quarrel between the father and his younger brother and suddenly stabbed Dnaneshwar who had tried to intervene. On the basis of the said report, Crime No.191 of 2016 was registered at the police station.

3. Perused the papers of investigation. The certificate issued by Brihan Mumbai Mahanagar Palika Hospital, Borivali (W) that the injured was examined at the said hospital on 26.4.2016 at 1.15 a.m. He was taken to the hospital by the first informant and his mother. The injury was on the peri-umbilical region and it was grievous in nature.

4. The applicant has been in custody for almost 9 months. The investigation is completed and charge sheet is filed. The applicant, the injured and the complainant are close relatives. Taking into consideration the papers of investigation and the fact that the applicant has been in custody for more than 9 months, the applicant deserves to be enlarged on bail.

5. The observations are restricted to an application under Section 439 of

Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge applicatin or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)