

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2835 OF 2017

Satish Appaso Bhise	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Raju Raghuvanshi alongwith Mr. Sandeep Phatak for the applicant.
Mr. Abhijit P. Kulkarni, Advocate for the complainant.
Mr. S.S. Kaushik, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 21, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein was arrested on 13/6/2017 in Crime No. 147 of 2017 registered at Phalltan Police Station for offence punishable under Section 302 read with Section 34 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 10/6/2017 Yashwant Sul who happens to be the unfortunate father of Vijay Sul lodged a report at Police Station that he was aware that his son Vijay was having intimacy with Ms.X who happens to be the daughter of Vilas Bhise. That, his son Vijay was married to another girl. Despite that, he continued his intimacy with the daughter of Vilas Bhise, thereby inviting wrath of her parents and others since he was visiting their house. It is also alleged that he was harassing her. On 10/6/2017 at about 9.30 p.m. the complainant received a message from his relative informing him that his son Vijay Sul is lying in a pool of blood in front of the house of Vilas Bhise. Hence, the first informant lodged the report at Phaltan Police Station and investigation was set in motion.

4 The compilation of charge-sheet would show the statements of eye witnesses who had actually seen the accused No.1 Vilas Bhise, his wife Shevanta Bhise assaulting Vijay with sickle and other deadly weapons. Their relatives who are residing in the neighbourhood had even attempted to intervene, however, accused

Nos.1 and 3 did not pay any heed to the relatives and brutally assaulted Vijay Sul and Vijay Sul sustained as many as 21 incised wounds on his person.

5 The compilation of the charge-sheet would show that the present applicant happens to be the close relative of the accused Nos.1 and 3. That, after the incident the present applicant had come to the spot and the original accused Nos.1 and 3 had accompanied him. Thereby, it is alleged that he has committed an offence of harbouring.

6 The learned APP upon instructions submits that the call details record would indicate that there was telephonic communication between accused Nos.1 and 3 and the present applicant. The learned Counsel for the applicant submits that the telephonic communication by itself would not indicate that there was any conspiracy between the present applicant and the original accused Nos.1 and 3 and that the only offence could be of harbouring since he was seen on the spot after the incident of assault was over.

7 All the material eye witnesses have candidly stated that after the incident was over the present applicant had reached to the house of original accused Nos.1 and 3. In the above mentioned facts, this Court is of the opinion that the applicant deserves to be enlarged on bail. However, it is made clear that observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered for quashing of FIR, discharge application or at the time of trial.

8 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall not visit Kambleshwar till the conclusion of trial.
- (iv) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)

