

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

BAIL APPLICATION NO.2538 OF 2018

Sakharam Khandu Bhadirge ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Chaitanya Pendse with Ms Siddhi Bhosale for the Applicant.

Ms J.S. Lohokare, APP for the Respondent -State.

Mr. S.D. Bhalekar, ASI , Dattawadi Police Station, Pune city present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who has been arrested in C.R. No. 289 of 2018 registered with Dattawadi Police Station, District- Pune (city), for offences punishable under Sections 307, 504 and 506 r/w. 34 of the Indian Penal Code, 1860.

2. Heard Mr. Chaitanya Pendse, the learned counsel for the Applicant and Ms J.S. Lohokare, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Sakharam Shivaji Gaikwad. A perusal of the FIR prima facie

reveals that the first informant has filed divorce proceedings against his wife Mangal. The first informant suspects that his wife was having extra marital relations with the present Applicant. The first informant claims that on 27.7.2018 at about 12.00 a.m. while he had got down from his vehicle to answer nature's call, his wife Mangal, her brother-Dadasaheb Raghunath Khandagale and the present Applicant abused him and threatened him to withdraw the case filed by him. It is further alleged that the Applicant herein inflicted injuries on his hands and legs by means of a knife. He has further stated that his wife, Mangal poured kerosene over his body with an intention of setting him ablaze. The medical certificate prima facie reveals that injuries sustained by the first informant are in the nature of abrasions and CLW on right arms and legs and not on any vital part of the body. The injuries sustained by the first informant are simple in nature.

4. In my considered view in order to attract provisions of section 307 of the IPC there has to be prima facie material to show intention or knowledge of causing his death. In the present case the material on record does not prima facie make out a case under Section 307 of the IPC. The Applicant is in custody since 27.7.2018. The investigation is concluded and the presence of the Applicant is no

longer required in custody. The Applicant is a permanent resident of Pune, hence there is no possibility of his absconding or fleeing from justice. The Applicant has no criminal antecedents.

5. In the light of above, the Applicant is entitled for bail.

Hence, the application is allowed on following terms and conditions:-

- (i) The Applicant, who is arrested in C.R. No. 289 of 2018 registered with Dattawadi Police Station, District- Pune (city), shall be released on bail on furnishing bail bonds of Rs.30,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned investigation officer.
- (iii) The Applicant shall not change his residential address without prior intimation to the concerned investigation officer.

6. Suffice it to say that the above observations made whilst disposing of the application are prima facie and shall not be construed as an expression of opinion on merits of the matter.

(SMT. ANUJA PRABHUDESSAI, J.)