

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

**BAIL APPLICATION NO.631 OF 2019**

|                         |               |
|-------------------------|---------------|
| Shivram Kashiram Lahare | .. Applicant  |
| <b><i>Vs.</i></b>       |               |
| State of Maharashtra    | .. Respondent |

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Mr.Harshad E. Palwe, Advocate for the Applicant.

Mr.M.G. Patil, APP for the Respondent – State.

Mr.Shivaji Bapurao Nagve, PSI, Harshul Police Station, Nashik,  
present.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : FEBRUARY 11, 2020.**

**P.C. :**

Applicant is seeking bail in connection with C.R.No.I-17 of 2018, registered with Harshul Police Station, Nashik, for the offences punishable under Section 302 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 15<sup>th</sup> February, 2018. Applicant was arrested on 19<sup>th</sup> February, 2018.

2                      The brief facts of the prosecution case are as follows:

On 18<sup>th</sup> May, 2018, the deceased Fulabai was found lying in pool of blood along with her brother (applicant). They were taken to hospital. Applicant was injured, whereas, Fulabai was dead. There were several injuries on the person of Fulabai. Deceased is the sister of the applicant. There were minor disputes between the applicant and the deceased. FIR was lodged by the neighbour. Investigation proceeded. Charge-sheet is filed.

3            There is no eye witness to the incident. Applicant and the deceased were found lying injured outside the house. Axe was recovered from the house. There was no strong motive to commit the murder. Applicant had also sustained injuries, which is apparent from medical certificate. Deceased had sustained about eight injuries in the nature of contusion and incise wound.

4            Learned APP submitted that medical certificate dated 15<sup>th</sup> February, 2018, issued by Rural Hospital Harshul Trimbakeshwar, Nashik, mentions that the applicant had sustained CLW over temporal scalp size 10 c.m. x 1 c.m. and the injury was of simple nature. The said certificate is tendered. The charge-sheet, however, contains Reference Slip pertaining to

applicant which mentions that there was a skull fracture. The charge-sheet also contains another certificate which also mentions CLW over temporal scalp 10 c.m. x 1 c.m., fresh. However, the nature of injury is not mentioned. The cause of injury mentioned as hard and blunt object. The statement of witness Govind Pawar was recorded under Section 164 of Cr.P.C. He has stated that the applicant and the deceased were found in a pool of blood outside the house. They were taken to hospital. Thereafter, the witness went home. Subsequently, he was called by police and his complaint was registered. Learned APP pointed out statement of Bhaskar Bhasre, recorded under Section 164 of Cr.P.C. He appears to be driver of the vehicle in which applicant and the injured Fulabai were taken to the hospital for treatment. According to him, the accused had stated that deceased Fulabai had assaulted him and he was critical after assault and could not understand how he assaulted his sister. Admittedly, the incident is not seen by any witness. It is difficult to infer under what circumstances and how incident has occurred. Applicant is in custody for two years. In view of the circumstances, further detention of the applicant is not necessary, case for grant of bail is made out.

5 Hence, I pass the following order:

**:: ORDER ::**

- (i) Bail Application No.631 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.I-17 of 2018, registered with Harshul Police Station, Nashik, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report concerned police station once in a month on first Saturday of the month, between 11:00 a.m. to 01:00 p.m., till further orders;
- (iv) Bail Application stands disposed of.

**(PRAKASH D. NAIK, J.)**