



(This order dated 21.12.2023 is corrected and uploaded in view of the order dated 3.01.2024.)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 1945 OF 2023

MOHAN BANDU KALE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

...
Advocate for Applicant : Mr. R.D. Thorat (Through Legal Aid)
APP for Respondents: Mrs.P.J.Bharad
...

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 21.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No. 273 of 2023, registered with Chandanzira police station, District Jalna for the offences punishable under sections 307 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Sushila Mohan Kale, who alleges that she is married to the applicant, however, since last six months she

is working at hotel Indrayani at Chandarzira. On 19.07.2023 when she was proceeding to home, the applicant intercepted her and insisted to accompany him to the village. The informant refused to do so. Enraged by the denial of the informant, the applicant/accused took out a knife and inflicted blows on her neck and cheek, consequently she suffered bleeding injury. On the basis of aforesaid information, Crime No. 273 of 2023 came to be registered with Police Station Chandanzira, District Jalna. The applicant has been arrested on the same day i.e. on 19.07.2023, since then he is behind the bar. His prayer for grant of bail has been rejected by the Court of Sessions, vide order dated 05.09.2023.

3. The learned Advocate appearing for the applicant submits that the applicant has been falsely implicated in the aforesaid crime owing to the matrimonial dispute with the informant. She would further submit that the applicant is behind the bar for last 5 months. The investigation in the matter is complete, the charge-sheet is filed, the further detention of the application is not required.

4. The learned APP strongly opposes the prayer for grant of bail. She would point out that the allegations in the FIR are supported by the medical evidence and the statements of the witnesses. Prima-facie there is sufficient material to bring home the guilt of the applicant.

5. Having considered the submissions advanced, apparently there are allegations in the FIR to indicate that the applicant is the author of the injuries suffered by the first informant. Perusal of the medical certificate suggest that the informant suffered two incise wounds. The injuries are simple in nature. Apparently the investigation is complete and the charge-sheet is filed. The learned APP informs that no criminal antecedents are reported to the discredit of the applicant. The applicant is behind the bar for more than 5 months, however, further detention of the applicant is not warranted. Hence a case is made out for grant of bail to the applicant. Hence the following order :

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant – Mohan Bandu Kale be

released on bail in connection with Crime No. 273 of 2023 registered with Chandanzira police station, District Jalna for the offences punishable under sections 307 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend the each and every effective date of hearing before the trial Court.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/