

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

CRIMINAL BAIL APPLICATION NO. 124 OF 2024

Milan Dipak Pawar ...Applicant

Versus

The State Of Maharashtra ...Respondent

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Mr. Gautam Kanchanpurkar, Advocate for the Applicant.

Mr. Pandurang Gaikwad Patil, APP for the Respondent – State.

Mr. Kamruddin Shaikh, PSI, Bhoisar Police Station, present.

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CORAM : ANIL S. KILOR, J.

DATE : 12th JUNE, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.295 of 2023, registered with Bhoisar Police Station, District: Palghar for the offences punishable under Section 302 of Indian Penal Code (for short 'IPC').
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the alleged offence. It is submitted that, he was not present at the spot of incident.
4. It is submitted that there are discrepancies in the discovery of the weapon and the date of seizure memo and also the

memorandum Panchanama. Hence, it is submitted that the story of the prosecution cannot be relied upon or accepted. He lastly submits that the Applicant is the bread earner of the family and he has four minor children and considering the future of them the Applicant may be released on bail.

5. On the other hand, the learned APP strongly opposed the Application and pointed out the statement of the minor child who is the eye witness.

6. I have perused the charge-sheet and the material collected by the Investigating Officer during the investigation. The son of the Applicant who was ten years old on the date of giving statement on 23rd July, 2023, has categorically stated in the statement that he had seen that his father assaulted to his mother in the morning giving blow by knife in her stomach. In view of the evidence which *prima facie* shows the involvement of the Applicant in the alleged offence, even some discrepancies here and there would not make the Applicant entitle for grant of bail at this stage.

7. In the circumstances, Application is rejected.

(ANIL S. KILOR, J.)