



{1}

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.2349 OF 2024

Shiva Narayan Koli,
Age: 40 years, Occu.: Labour,
R/o. Indira Nagar Plot,
Tq. Chopda, Dist. Jalgaon.

... Applicant

Versus

The State of Maharashtra
Through Investigation Officer,
Adavad Police Station,
Tq. Chopda, Dist. Jalgaon.

... Respondent

.....
Ms. Rani. K. Agrawal, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 12 MARCH 2025
PRONOUNCED ON : 13 MARCH 2025

PER COURT :-

1. Present application is for regular bail on account of arrest of applicant in Crime No.0063 of 2024, registered with Adavad Police Station, District Jalgaon for offences punishable under Sections 307, 326, 510 of the Indian Penal Code (IPC).
2. Pointing to the date of arrest of the applicant as 22.04.2024, learned counsel for the applicant submitted that, informant is daughter of applicant. That, allegations are levelled

{2}

that, applicant, who was addicted to liquor, assaulted mother by knife in abdomen and on hand, when informant intervened, blow was inflicted on her arms also. That, on such allegations of daughter, crime has been registered. That, there was domestic quarrel between injured and informant's father resulting into occurrence. Learned counsel submitted that after arrest of the applicant, recovery is already effected. That, nothing more is to be recovered or discovered at his instance. That, investigation is over and charge-sheet is already filed in July 2024 itself. That, as on today, there is no committal order and even charge has not been framed, and as such, it is her submission that, uncertainty prevails over commencement of trial or its conclusion. Lastly, she submitted that applicant is ready to abide all and any conditions imposed by this Court. For above reasons, learned Counsel prays for grant of regular bail.

3. Learned APP opposed the bail application on the ground that there is use of deadly weapon. That, allegations are of assault in abdomen and hand of wife. That, when informant intervened, she was also assaulted. Thus, grave offence of attempt to murder and causing grievous injuries is committed. Though investigation is over and charge-sheet is filed, according

{3}

to learned APP, considering the relations between applicant, informant and victim, there is every possibility of misuse of liberty. However, learned APP conceded that, charge has not been framed yet.

4. Heard. Perused the FIR dated 19.04.2024, at the instance of one Madhuri Koli, who reported that her father is addicted to liquor, and he used to pick up quarrel with her mother, vanished from home and again returned and abuse her mother by demanding money for liquor. She reported that, on 19.04.2024, when she and her mother Anita were in the Nehru Chowk, her father suddenly appeared and stabbed her mother with knife in the stomach as well as on hand, when she intervened, he gave blow on her arms. On shouts being raised, people gathered and seeing it, her father fled.

5. Paper shows that under memorandum of seizure dated 23.04.2024, knife is seized from cotton crop. Medical papers issued by Jalgaon Civil Hospital show two stab injuries on abdomen and left hand, but Doctor has stated that, there is no solid organ injury and exploratory laparotomy is done on injured Anita.

{4}

6. Admittedly, husband has assaulted wife and informant daughter, when intervened. Now, investigation is over and recovery is already effected. Considering the relations between informant, injured and applicant, and no further recovery or discovery is shown to be made at the instance of applicant, and taking into account the fact that in spite of charge-sheet being filed, charge has not been framed, and no further purpose would be achieved by continuing the detention of the applicant. Resultantly, relief deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Shiva Narayan Koli, be released on bail in connection with Crime No.0063 of 2024, registered with Adavad Police Station, District Jalgaon, on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
 - [a] The applicant shall not tamper prosecution evidence.
 - [b] The applicant shall not enter vicinity where the informant and her near and dear ones resides.
 - [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

{5}

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday, till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane