

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

Criminal Application (BA) No.880/2014  
Prem @ Premdas Keshav Chavan Vs. State of Maharashtra.

Notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders. Court's or Judge's  
Orders.

Shri S.D. Nandeshwar, Advocate holding for Shri P.S.  
Wathore, Advocate for the applicant.  
Ms. Jachak, APP for the respondent.

**CORAM : PRASANNA B.VARALE, J.  
DATE : FEBRUARY 27, 2015.**

Heard the learned counsel for the applicant and the learned APP for the respondent/non-applicant.

The applicant before this Court is seeking enlargement from Crime No.29/2014 registered at Janepal Police Station for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 307 and 302 read with Section 34 of the Indian Penal Code. The learned counsel for the applicant submits that the applicant was arrested on the very day of the alleged incident. The learned counsel invited my attention to the material collected by the Investigating Agency. It is the submission of the learned counsel that the material collected by the Investigating Agency itself suggests that there is an element of doubt over the story of the prosecution. The learned counsel for the applicant invited my attention to the report lodged at the instance of victim one Kisan Dyanu Chavan. The sum and substance of the report lodged by Kisan Chavan is the applicant who is neighbour of the

informant-complainant and on the day of the incident he was under an influence of liquor. On a petty issue of removal of trees causing obstruction, the applicant picked up quarrel, hurled abuses, reached inside the house and came out with a butcher's knife and gave a blow causing an injury in the abdomen of the sister-in-law of the informant-complainant. Her husband made an attempt to intervene in the matter. The applicant gave a blow to him also. The father of the husband of the sister-in-law namely Subhas also made an attempt to intervene in the matter and he was also subjected to knife blow. The Investigating Agency was set in motion. The investigation was concluded in filing charge-sheet. Necessary steps of the investigation were taken such as recording of the statements of the witnesses, collection of the material on the spot and seizure of material such as incriminating material in the crime. The learned counsel for the applicant invited my attention to the statements of the victims namely Sadhana Chavan and Janu Chavan. Sadhana is victim of the knife blow whereas Janu is claimed to be eye witness. Perusal of the statement of Sadhana Chavan show that in her version she alleges that the applicant who was under the influence of liquor was asking for cutting of the trees and when Sadhana objected it, he started abusing. Then she states that Prem Chavan came near her who was armed with weapon knife. He gave a knife blow causing injury over her Chest. Then the applicant snatched the knife from Pravin and gave the knife blow causing injury in her abdomen. She then states that her husband Subhash reached the spot rushing there who was also subjected to a

knife blow by the applicant. The version of Janu Ramdas Chavan is in chores to Sadhana. The learned counsel for the applicant invited my attention to the medical certificate issued by a private hospital. Perusal of the certificate show that the victim Sadhana suffered incise penetrating wounds. The learned counsel for the applicant submitted that the version of victim Sadhana and Janu Chavan give a totally different story in contrast to the report lodged by Kisan Chauhan. It is the submission of the learned counsel that when all these three persons claiming themselves to be eye witnesses and one of them being victim, a different version emerged from each of these witnesses, certainly casts doubt over the prosecution story. He further submits that the story of the prosecution also fails to lead any credibility on the backdrop of the medical certificate. He submits that the victim Sadhana refers to, two knife blows at the instance of two persons at different vital parts of the body whereas the medical certificate reflects only one injury. The learned counsel also made other submissions in support of his case. The learned counsel submitted that the applicant who is behind bars for more than the period more than 9-10 months and as all the necessary materials collected by the Investigating Agency, the process is concluded in filing of charge-sheet. He further submits that the applicant is an agriculturist having two issues, one son and another daughter. He further submits that the son of the applicant is appearing for the Board Examination, which is scheduled on 3<sup>rd</sup> of March, 2015. Thus, apart from the merits, it was the submission of the learned counsel for the applicant, the applicant may be enlarged on

bail so as to provide support to his son, who is appearing for the examinations.

The learned APP opposes the application.

Considering the material referred to by the learned counsel for the applicant showing different versions of the eye witnesses and one of them being the victim, in my opinion, the learned counsel for the applicant has made out a case. The investigation is concluded in filing the charge-sheet. The apprehension, if any, by the State can be taken care of imposing conditions on the applicant.

The application is thus allowed.

The applicant be released on bail in Crime No. 29/2014 registered with Police Station, Janepal, for the offences punishable under Sections 143, 147, 148, 149, 323, 307 and 302 read with Section 34 of the Indian Penal Code on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five thousand only) with one solvent surety in like amount on following conditions :

- a] The applicant shall attend Janepal police station on 2<sup>nd</sup> and 4<sup>th</sup> Sunday of every month between 9.00 am to 12.00 noon till filing of the charge sheet and thereafter, as and when called by the Investigating Officer and co-operate the investigation agency.
- b] The applicant should maintain a diary of his attendance duly countersigned by the Investigating Officer/P.S.O.
- c] He shall not tamper with the prosecution witnesses/evidence and shall not cause any

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obstruction in the investigation of the offence.

- d] He shall not indulge in any other crime of similar nature.
- e] The applicant should not leave the jurisdiction of the trial Court without its prior permission.
- f] If the applicant is found indulged any act of pressurising the witnesses or tampering with the prosecution case, the learned APP is liberty to approach this Court immediately.

In case of breach of the conditions, the prosecution agency to take necessary steps in accordance with the provisions of law.

Needless to state that the observations of this Court are on the backdrop of consideration of prayer for enlargement of bail and the learned Sessions Judge may not be influenced by these observations in the conduct of the trial or process of trial.

**JUDGE**

*Ambulkar*