

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 10 OF 2015

Rajendra Bhagawan Borade,
Age : 41 years, Occu. Agri.,
R/o Sawargaon, Tq. Paranda,
District Osmanabad

APPLICANT

VERSUS

1. The State of Maharashtra
2. The Police Inspector,
Paranda Police Station,
District Osmanabad

RESPONDENTS

Mr. S.G. Jadhavar, Advocate for the applicant
Mr. S.M. Jadhav, A.P.P. for the respondents/State
Mr. P.R. Katneshwarkar, Advocate holding for Mr. G.J.
Kore, Advocate for assisting to A.P.P.

CORAM : M.T. JOSHI, J.
DATE : 26/02/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Paranda Police Station, District Osmanabad in Crime No. 112/2014, registered for the offences punishable under section 302 read with section 34 and 120 (b) of the

Indian Penal Code and under section 3, 25 (1) of the Indian Arms Act, is praying for his release on bail.

3. The present applicant's earlier application for grant of similar relief, bearing Criminal Application No. 6419/2014, was allowed to be withdrawn by this Court vide order dated 11th December, 2014, with liberty to file similar application in the Sessions Court since the chargesheet was then filed in the Sessions Court. As the next of the application of the present applicant is rejected by the Sessions Court, the present application.

4. The copy of the chargesheet and the submissions from both the sides would show that regarding the commission of murder of one Amol, in the FIR filed by his father, on the basis of the statement of one eye witness Shivaji, it was reported that three assailants had caused the death of the deceased by assaulting him with swords. The statement of the said eye witness, namely, Shivaji is also to the same effect, which was lateron recorded by the Investigating Officer on 17th September, 2014. Thereafter, the statement of six eye witnesses came to be recorded on 22nd September, 2014

wherein besides the assailants named in the FIR, six more persons are shown as assailants of the deceased. The present applicant is one of those additional accused.

5. The material against the present applicant is that his blood stained clothes were seized by the police. The post-mortem note would show that the deceased had one incised wound and four contused lacerated wounds.

6. The learned A.P.P. submits that since eye witness – Shivaji could witness only one part of the incident, he did not name the present applicant or the names of the additional accused. The other eye witnesses, however, were with the deceased since beginning. It was further pointed out that the application of some of these added five accused, for releasing them on bail, is rejected by the another Hon'ble Judge of this Court.

7. Upon hearing both sides, particularly taking into consideration the number of the injuries suffered

by the deceased and the entire material on record, in my view, since the trial may take its own time, the present applicant can very well be released on bail, on certain conditions. Hence, the following order:-

8. The application is allowed. The applicant – Rajendra Bhagawan Borade be released on bail in Crime No. 112/2014, registered with Paranda Police Station, District Osmanabad for the offences punishable under section 302 read with section 34 and 120 (b) of the I.P. Code and under section 3, 25 (1) of the Indian Arms Act, on his executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. The applicant shall not enter the territorial jurisdiction of Tahsil Paranda (District Osmanabad) for a period of two years or till the trial is concluded, whichever occurs earlier, without prior permission of the concerned Sessions Court.

. The application accordingly stands disposed of.

[M.T. JOSHI]

JUDGE

npj/criapln10-2015