

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.294 OF 2015

Parshuram @ Pankaj Parmeshwar
Patil ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.N.S.Ghanekar, advocate for applicant

Mr.S.G.Sangle, APP for respondent

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CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 11, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.I-72 of 2013 registered with Jamner Police Station, Dist.Jalgaon, for the offences punishable under Section 302 and 307 of the Indian Penal Code and Sections 3 and 25 of the Indian Arms Act, is praying for release on bail.

3] Upon hearing both sides, it appears that the case is based on circumstantial evidence. The statement of the earlier Advocate of the present applicant recorded by the police, would show that earlier, present applicant had sought advice from the Advocate as to how, murder can be committed and the assailants can be released on bail.

4] The statement of the co-accused recorded under Section 27 of the Indian Evidence Act coupled with the discovery of the house of present applicant, would show that, according to the co-accused, he has stolen three cartridges and pistol from the house of the present applicant. Further, three cartridges were found in the house of present applicant and the pistol was recovered from the co-accused.

5] Learned counsel for the applicant submits that on the basis of the alleged facts, so far as

present applicant is concerned, at the most, this would be a case for the offences punishable under Section 3 and 25 of the Indian Arms Act as, according to the prosecution, the co-accused has stolen the fire-arm from the house of the present applicant, and then committed the murder.

6] Learned A.P.P. submits that seven other cases are already pending against the present applicant. In the circumstances, he submits that the application may be rejected.

7] The earlier application of the present applicant bearing Criminal Application No.2069 of 2014 was disposed of as withdrawn by this Court vide order dated 2nd July, 2014 with liberty to file the similar application in case, the trial is not concluded within six months.

8] Considering all the facts on record, finding that the case is based on circumstantial evidence and that several criminal cases are pending against the present applicant, in my view, since the trial may take its own time, present applicant can be released on bail on certain conditions.

9] Hence, the following order :-

a] Criminal Application is allowed;

b] The applicant be released on bail in Crime No.I-72 of 2013 registered with Jamner Police Station, Dist.Jalgaon, for the offences punishable under Section 302 and 307 of Indian Penal Code and Sections 3 and 25 of the Indian Arms Act, on his executing P.R. Bond in the sum of Rs.30,000/- (Rs.Thirty Thousand) and also upon furnishing surety in the like amount;

c] For a period of six months from the date of release, the applicant shall attend the concerned police station between 9:00 am. and 10:00 am. on every second and fourth Tuesday and shall preserve the diary of attendance.

[M.T. JOSHI, J.]

kbp