

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

CRIMINAL APPLICATION NO. 740 OF 2015

Sominath S/o Rambhau Wagh & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Ms. Usha P.Kale, Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for Respondent – State.

Mr. V.P.Sawant a/w Mr. R.B.Singare,

Advocates – assist to A.P.P.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th MARCH, 2015

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PER COURT :

1. By the present application , the applicants are claiming that they be enlarged on bail in connection with Crime No. 195/2014 registered with police station Badnapur, for the offences punishable u/s 302,307,326,325,324,323,143,147,148,149,506 of the Indian Penal Code, 1860 read with Section 3/25 of the Arms Act.

2. Heard Ms. Usha P.Kale, the learned Counsel for the applicants and Mrs. V.A.Shinde, the learned A.P.P. for respondent – State.

3. The F.I.R. was lodged due to the death of Dnyandeo and the injuries suffered by Ramkisan Sormare, Bajirao Shinde and Babasaheb Shinde. The incident is dated 03/10/2014. The crime was registered against nine persons. Out of that, five persons are already released on regular bail by this Court. Sumanbai is released on regular bail by the learned Additional Sessions Judge and one accused is released on anticipatory bail by this Court.

4. The investigating agency has already completed the entire investigation and has filed charge sheet before the Court of law.

5. The accusation against applicant Sominath is that he has given dash of his motorcycle to the deceased. Except that, there are no other allegations against Sominath. The postmortem report shows that due to the dash, deceased has suffered fracture on his leg and not on his head. The deceased has died due to head injury.

So far as applicant Ashok is concerned, there are specific allegations against Ashok that he has given sword blow on the head of the deceased. In that view of the matter, since this Court was not inclined to grant bail to Ashok, the learned counsel for the applicants submitted that permission be given to her to withdraw the application filed on behalf of

applicant Ashok. Permission granted.

6. The application of applicant No. 2 Ashok Rambhau Wagh is rejected as withdrawn. The learned counsel for the applicant submitted that liberty be granted to approach again before the learned Sessions Judge. The applicant can move successive application before the Court below. In that view of the matter, liberty is granted to applicant Ashok.

7. Since the allegation that the applicant Sominath had given dash by his motorcycle, there is no other material against Sominath, this Court is of the view that he can be released on bail on certain conditions.

8. Hence, I pass the following order :

- (i) Criminal Application No. 740 of 2015 is hereby allowed.
- (ii) Applicant Sominath S/o Rambhau Wagh be released on bail in connection with Crime No. 195/2014 registered with police station Badnapur for the offences 302,307,326,325,324, 323, 143,147,148,149,506 of the Indian Penal Code, 1860 read with Section 3/25 of the Arms Act on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount. Bail before the trial court.

- (iii) The applicant Sominath S/o Rambhau Wagh shall attend police station Badnapur once in a week preferably on every Sunday between 1.00 p.m. and 3.00 p.m. till the charge is framed by the learned Sessions Judge.
- (iv) The application of applicant No. 2 Ashok Rambhau Wagh is rejected with liberty to him to approach before the Sessions Court by filing fresh application on the changed circumstances.
- (v) Needless to mention, the observations made in the application are *prima facie* in nature and the trial Court while deciding the application for bail in respect of applicant No. 2 Ashok Rambhau Wagh or while conducting the trial, should not get influenced by this order.
- (vi) Criminal Application No. 740 of 2015 is disposed of.

[V.M.DESHPANDE, J.]