

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 968 Of 2015.

DNYANESHWAR S/O HARIBHAU CHAVAN.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Mayur Salunke, Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 30th March, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail in connection with CR No. 104/2014 registered with Parbhani (Rural) Police Station, District - Parbhani for the offences punishable under Section.s. 302 read with 34 of the Indian Penal Code and under Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] Heard Mr. Mayur Salunke, learned counsel for the Applicant and Mr. A.V. Deshmukh, learned Additional Public Prosecutor for the State, in extenso.

[3] First Information Report is recorded on 10th June, 2014 by Ashabai Namdeo Salve with Parbhani (Rural) Police Station, District –

Parbhani. Since the F.I.R. was disclosing cognizable offence, crime was registered *vide* CR No.104/2014. According to the allegations made in the First Information Report, initially deceased Namdeo was working as watchman on the agricultural field of co-accused Sayyad Shakil and thereafter he started to work with one Balasaheb Ladhane. It is alleged in the First Information Report that co-accused Shakil again called the deceased to work at his agricultural field however, the deceased refused to work with Sayyad Shaikil. It is further allegations in the First Information Report that on 9th June, 2014 co-accused called the deceased to his agricultural field. Said request was obliged by deceased Namdeo and he went to the agricultural field of Sayyad Shaikil. According to the First Information Report, when he had been there, he was assaulted by Sayyad Shakil, present applicant, Alim Sayyed Ansari and one unknown person.

[4] Investigation is already completed. Charge sheet is filed. Though various injuries are appearing on the body of deceased Namdeo, according to the post mortem report, all these injuries are not on vital part of the body.

[5] During the course of investigation, memorandum statement under Section 27 of the Indian Evidence Act was recorded by which the applicant agreed to discover the stick, which he has used in the commission of offence. Accordingly, recovery panchnama is made on 12th June, 2014. Recovery panchnama clearly shows that, place from where the stick is recovered is open to all and it was not in exclusive control of the present applicant.

[6] Further the Chemical Analysis report reflects blood stains on said stick. The clothes of the present applicant was also seized which were also sent for Chemical Analysis and said clothes are having blood stains of human blood group "B". Blood group of deceased is "B" as well as blood group of present applicant is also "B".

[7] Further in view of the fact that, already charge-sheet is filed, custodial presence of present applicant is not necessary. Hence, I pass the following order :-

ORDER

[i] Criminal Application is allowed.

[ii] Applicant - DNYANESHWAR S/O HARIBHAU CHAVAN be released on bail in connection with CR No. 104/2014 registered with Parbhani (Rural) Police Station, District - Parbhani for the offences punishable under Section.s. 302 read with 34 of the Indian Penal Code and under Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, on he executing P.R. Bond of Rs. 10,000/- (Rs.Ten Thousand.) with two solvent sureties in the like amount.

[iii] The applicant shall attend Parbhani (Rural) Police Station, District - Parbhani twice in a week preferably on every Sunday and Wednesday between 11.00 a.m. to 11.00 a.m, till Charge is framed by the learned Sessions Judge.

[iv] With this, Criminal Application is disposed of.

(V.M. DESHPANDE, J.)