

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1170 OF 2015
[Raju Atmaram Baviskar and ors. Vs The State of Maharashtra]
AND
CRIMINAL APPLICATION NO. 1530 OF 2015
[Sachin Raju Baviskar vs The State of Maharashtra]

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

Court's or Judge's orders

Shri V.B.Patil, advocate for applicants
Shri A.S.Shinde, A.P.P. for respondent
in both Applications

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CORAM : V.M.DESHPANDE, J.
DATED : 24th March, 2015

PER COURT :-

- 1] Criminal Application No. 1530 of 2015 is not on Board. Same is taken on Board and heard with Criminal Application No. 1170 of 2015.
- 2] The applicants in these two applications are seeking their enlargement on bail, in connection with Crime No.80 of 2014, registered at Advad Police Station, District Jalgaon for the offence punishable under Sections 302 of the Indian Penal Code.
- 3] The investigating officer has filed detailed reply in Criminal Application No. 1170 of 2015 and the learned Additional Public Prosecutor Shri A.S.Shinde submitted that the said reply can also be treated as reply in Criminal Application No. 1530 of 2015.
- 4] After hearing the learned counsel for the applicants and the learned Additional Public Prosecutor for the respondent/State and after examining the reply filed on

behalf of the investigating officer, it is clear that there is no eye witness account against any of the applicants in the present crime. According to the investigating officer, the case against the present applicants is based on the circumstantial evidence. The circumstantial evidence, which is tried to be pressed into service to oppose the bail application by the investigating officer is the motive on the part of the present applicants. According to the learned Additional Public Prosecutor and the reply, the motive can be spelt out in view of the old dispute in between the present applicants on one hand, and the deceased, his father and the brother on the other hand.

5] Thus, from the entire prosecution case, it is clear that the prosecution case does not travel beyond suspicion.

6] In that view of the matter, the applicants, who are in jail since 24.10.2014 and in view of the fact that the investigating agency has already completed its entire investigation and filed charge sheet in the court of law, the applicants can be released on bail. Hence, I pass following order.

ORDER

- (i) Criminal Application No. 1170 of 2015 and Criminal Application No. 1530 of 2015 are allowed.
- (ii) The applicants in these two Applications be released on bail on they each executing P.R.bond of Rs.15000/- with two solvent sureties in the like amount by each of them.
- (iii) Bail before the trial court.
- (iv) The applicants shall not in any way tamper with the prosecution witnesses.
- (v) The applicants in these two applications shall attend the police station Advad once a week, preferably on Sunday in between 3.00 p.m. and 4.00 p.m. till the charge is framed by the trial court.

(vi) It is made clear that the observations made in this order are prima facie in nature and are restricted to this application only. The learned Judge of the court below shall not get influenced himself by the said observations while deciding the matter on merits.

(vii) Both the Applications are disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1170.15