

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Application No. 1209 Of 2015.

Vitthalrao Gulabrao Jadhav.

VERSUS

The State of Maharashtra.

Appearance =>

Mr. Vijay Deshmukh, Advocate for the Applicant.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 17th MARCH, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending arrest in connection with CR No. 7/2015 registered with Police Station, Bamni, Tal. Jintur, Dist. Parbhani, for the offences punishable U/Section.s. 307, 452, 324, 323, 504 read with 34 of the Indian Penal Code.

[2] Heard Mr. Vijay Deshmukh, Advocate for the Applicant and Mrs. V.A. Shinde, Additional Public Prosecutor for the State.

[3] First Information Report is lodged by Raju Ramesh Rao Kadam. The learned counsel for the applicant has pointed out that all other accused persons are already released on anticipatory bail by the

learned trial court. Injury Certificate of Raju, First Informant is available on record and the injuries appearing on the person of Raju are simple in nature. In so far as injuries sustained by the Ujjwala (wife of first informant), from the First Information Report, it is clear that those injuries cannot be attributed to the present applicant.

[4] Though Mrs. V.A. Shinde, learned Additional Public Prosecutor tried to pointed out from the statement of the witnesses – Shivaji and Vishwas for refusal to exercise the discretion by this court, it is clear from their statements that, those two persons are not witnesses to the occurrence. From their statements, their evidence appears to be hearsay evidence.

[5] Looking to the fact that, more specific role is ascribed to other accused, who are already released on bail and looking to the accusation made against the present applicant, present applicant is entitled for discretionary relief, from this court. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - Vitthalrao Gulabrao Jadhav shall be released on bail on he executing PR. Bond of Rs. 10,000/- [Rs. Ten Thousand] with one solvent surety in the like amount, in connection with CR No. 7/2015 registered with Police Station, Bamni, Tal.

Jintur, Dist. Parbhani, for the offences punishable U/Section.s. 307, 452, 324, 323, 504 read with 34 of the Indian Penal Code.

(iii) The Applicant shall attend Police Station, Bamni, Tal. Jintur, Dist. Parbhani once in a week; preferably on every Wednesday in between 2.00 p.m. to 5.00 p.m.

(iv) The applicant shall not cause any threat to the first informant or his wife and shall not tamper with the prosecution evidence.

(V.M. DESHPANDE, J.)