

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

Criminal Application No. 1364 Of 2015.

SHIVAJI RAMRAO DHAVLE.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Joydeep Chatterji, Advocate for Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. 264/2014 registered with Police Station, Ahmedpur Taluka – Ahmedpur, District – Latur for the offences punishable under Section/s 302 read with 34 of the Indian Penal Code.

[2] Heard Mr. Joydeep Chatterji, learned counsel for Applicant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Prosecution agency has already completed its entire investigation and charge-sheet is already filed in the court. Dead body of deceased Raosaheb Sudam Dhawade, suspended village-talathi was found on the roof of Tahasil Office of Ahmedpur Taluka – Ahmedpur, District – Latur on 25th September, 2014. First Information Report is lodged against

the unknown persons on 26th September, 2014. According to the prosecution, role of present applicant was revealed during the course of investigation, therefore, present applicant alongwith co-accused – Vishal Mariba Rankhambe were arrested. In the entire charge-sheet, there is no eye witness account. There is also no evidence that lastly deceased Raosaheb was seen alive in the company of present applicant. Statement of sister of deceased, son of deceased and his widow were recorded, which show that, present applicant extended some threats to deceased Raosaheb, in the past. Statement of two hotel owner were recorded which show that, deceased was not having any enmity with anyone.

[4] Mr. Shinde, learned Additional Public Prosecutor pointed out statement of Mahadeo Bhimrao Kamble which is recorded on 5th October, 2014 and according to the said statement on 25th September, 2012 at 9 o'clock present applicant and other co accused – Vishal met him at Savarkar Square and thereafter they proceeded towards Tahasil Office. Except this there is nothing.

[5] Further though on the memorandum of the present applicant, clothes of applicant were seized from his house, recovery panchnama shows that, there are stains of red colour but it does not show, prima facie, stains were blood stains. Since the charge-sheet is already filed and as there is no eye witness account, circumstances as appearing against the present applicant are prima facie weak in nature, therefore, further continuance of present applicant in custody is not warranted. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - SHIVAJI RAMRAO DHAVLE shall be released on regular bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No. 264/2014 registered with Police Station, Ahmedpur Taluka – Ahmedpur, District – Latur for the offences punishable under Section/s 302 read with 34 of the Indian Penal Code.
- (iii) Bail before trial Court.
- (iv) With these observations, Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)