

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1409 OF 2015

Syed Munir S/o Syed Sandu
Age 60 years, Occu.: Labour,
R/o. above Asef Book Depot,
Nawabpura, Aurangabad .. Applicant

Vs.

The State of Maharashtra
Through Police Station Jinsi,
Tq. & Dist. Aurangabad .. Respondent

.....

Mr. Zia Ul Mustafa, Advocate for the applicant
Mr. S.R. Palnitkar, APP for the respondent-State

.....

CORAM : M.T. JOSHI, J.
DATED : 16/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Jinsi Police Station, Aurangabad in Crime no.I-172 of 2014 for the offences punishable under section 302, 323 r/w. 34 of the Indian Penal Code, is praying for his release on bail. His previous

application bearing Criminal Application no. 6443 of 2014 was allowed to be withdrawn by this Court vide order dated 18/12/2014, with liberty to file similar application in the Sessions Court after the chargesheet is filed.

3. Since next of the application of the applicant after filing of the chargesheet is dismissed by the Sessions Court, the present application is filed.

4. The material on record would show that the present applicant alongwith some other co-accused had bet the deceased with fists and kicks. The post-mortem examination notes would show that the deceased had suffered one linear abrasion admeasuring 4.5 cm X 0.2 cm over right part of the neck and abrasion admeasuring 0.5 cm X 0.3 cm on the medial end of the clavicle. Last of the abrasion of 0.5 cm X 0.1 cm was seen below injury no.2. In the opinion of the Medical Officer, the death has

occurred due to asphyxia due to aspiration of food material up to the lungs.

5. Upon hearing both sides and finding that the present applicant is behind the bar for more than six months, in the nature of the allegations against him, without making any further comment on the merit of the case, in my view, the applicant can very well be released on bail on certain conditions.

6. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.I-172 of 2014 registered with Jinsi Police Station, Aurangabad for the offences punishable under section 302, 323 r/w. 34 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.20,000/- (Rs. Twenty Thousand) and also upon furnishing surety in the like amount.

III) The applicant shall not enter the territorial limits of Aurangabad Municipal Corporation for a period of three (3) years or till the trial is concluded, whichever occurs earlier, without the prior permission from the concerned Sessions Court, except for attending the present Sessions Case.

IV) The applicant shall not attempt to influence any of the prosecution witnesses in any manner.

7. Criminal Application accordingly stands disposed of.

[M.T. JOSHI]
JUDGE

arp/-