

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

Criminal Application No. 1506 Of 2015.

VIJAY S/O MUNJAJI SHINDE.
VERSUS
THE STATE Of MAHARASHTRA.

THE STATE OF MAHARASHTRA AND OTHERS.

Appearance =>

Mr. R.N. Dhorde, Senior Counsel i/by Mr. Vikram Dhorde, Advocate
for the Applicant.

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

CORAM : V.M. Deshpande, J.

DATE : 7th April, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No.60/2014 registered with Kotwali Police Station, Parbhani, District – Parbhani for the offences punishable under Section.s. 302, 395, 364, 120(B), 201 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] Heard Mr. R.N. Dhorde, learned Senior Counsel i/by Mr. Vikram Dhorde, Advocate for the Applicant and Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] Mrs. V.A. Shinde, learned Additional Public Prosecutor has vehemently opposed the Application. She has painstakingly pointed out that there is sufficient material against the present Applicant in the nature of statements of two eye witnesses namely Balasaheb Sopanrao Khune and Datta Babrao Khune. She also pointed out that all efforts were taken by the present Applicant to show that, there was an accident of auto rickshaw, which was driven by deceased Namdeo isanrao Datare. Thus, according to her, present Applicant does not deserve any sympathy at the hands of this court thus, she prays that, present Application be rejected.

[4] First Information Report was lodged by father of deceased. Initially, F.I.R. was recorded for the offences punishable under Section/s 279, 304(A) of the Indian Penal Code. It was lodged on 6th April, 2014.

[5] Investigation is over. The supplementary statement of Kisan was recorded on 28th April, 2014. From perusal of said statement, it is clear that, first informant on suspicion and on hearsay information has taken the name of present Applicant alongwith others. In so far as eye witnesses are concerned, their statements were recorded on 28th April, 2014. They claim that in their presence, the present Applicant has assaulted the deceased. However these two eye witnesses have chose to remain silent till 28th April, 2014, which is the date on which the supplementary statement of first informant was recorded.

[6] The Applicant is in jail since 8th August, 2014. Further custodial presence of present Applicant is not essential, in view of the fact that, all investigation is over and charge sheet is already filed in the court of law. The Applicant can be released on bail by imposing stringent conditions that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - VIJAY S/O MUNJAJI SHINDE shall be released on regular bail on he executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] with two solvent sureties in the like amount, in connection with CR No.60/2014 registered with Kotwali Police Station, Parbhani, District – Parbhani for the offences punishable under Section.s. 302, 395, 364, 120(B), 201 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(iii) The applicant shall attend Kotwali Police Station, Parbhani, District – Parbhani twice in a week, preferably on every Monday and Saturday between 9.00 a.m. to 2.00 p.m. till Charge is framed.

(iv) The applicant shall not enter into the territorial jurisdiction – limits of Khandoba Bazar of Parbhani City, till trial of Special Atrocities Case No.59/2014 is over.

(iv) With these observations, Criminal Application is disposed of.

(V.M. DESHPANDE, J.)