

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

Criminal Application No. 1515 Of 2015.

DNYANESHWAR S/O VILAS ANDHALE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Niteen V. Gaware, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

Mr. R.K. Temkar, Advocate for the original Complainant.

CORAM : **V.M. Deshpande, J.**

DATE : **20th April, 2015.**

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No. 234/2014 registered with Police Station, Parner, District - Ahmednagar for the offences punishable under Section.s. 302, 506 read with 34 of the Indian Penal Code and under Section/s 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section/s 7(1)(1)(d) of Prevention of Civil Rights Act.

[2] Heard Mr. Niteen Gaware, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] In the present case, the Investigating Officer has already completed the entire investigation and filed the Charge-Sheet before the court of law.

[4] First Information Report is lodged by Sharad Mahadu Salve, brother of deceased Santosh on 3rd October, 2014. According to the first information report the deceased was having illicit relations with Vaishali and in connection with that, the deceased has been eliminated.

[5] Mrs. Pratibha Bharad, learned Additional Public Prosecutor submits that the contention of learned counsel for the applicant that there is no eye witness account in the present case, cannot be controverted.

[6] After hearing both the learned counsel, it is clear and in fact, the learned Additional Public Prosecutor has fairly submitted that except the statement of co-accused, there is no material against the present applicant. The learned counsel for the applicant on his part has pointed out his discovery statement by which recovery of his own clothes were made from his house; however, recovery panchnama shows that, those clothes were not having any blood stains.

[7] In view of the above and in view of the fact that, already charge-sheet is already filed, further custodial presence of applicant is not warranted. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - DNYANESHWAR S/O VILAS ANDHALE shall be released on regular bail on he executing P.R. Bond of Rs. 35,000/- [Rs. Thirty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 234/2014 registered with Police Station, Parner, District - Ahmednagar for the offences punishable under Section.s. 302, 506 read with 34 of the Indian Penal Code and under Section/s 3(2)(v) of the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section/s 7(1)(1)(d) of Prevention of Civil Rights Act.

(ii) Bail before trial court.

(iii) The applicant shall attend the Police Station, Parner, District - Ahmednagar once in a fortnight preferably on every Sunday, between 3.00 p.m. to 4.00 p.m.

(iv) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)