

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

Criminal Application No. 1755 Of 2015.

Karbhari @ Sanjay Babasaheb Khatate.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Santosh Jadhavar, 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. Santosh Jadhavar, 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 already filed the Charge-Sheet before the court of law.

[4] According to the learned counsel for the applicant, in the entire charge-sheet there is no evidence against the present applicant except inadmissible statement of co-accused. The learned Additional Public Prosecutor also concurred the said statement. Further, though there is recovery at the instance of present applicant, said recovery is in respect of his own clothes. Clothes are not having blood stains. In view of the fact that except the statement of co-accused, there is no material against the present applicant and in view of the fact that already charge sheet is filed, further custodial presence of the applicant is not at all necessary. Hence, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - Karbhari @ Sanjay Babasaheb Khatate shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty 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 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 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 Saturday, between 2.00 p.m. to 4.00 p.m.
- (iv) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)