

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1830 OF 2015

Aatmaram s/o Tulshiram Jadhav,
Age : 45 years, Occu. Agri.,
R/o Waghera, Tq. Sillod,
District Aurangabad

APPLICANT

VERSUS

The State of Maharashtra,
at the instance of Ajanta
Police Station, Taluka
Sillod, District Aurangabad

RESPONDENT

Mr. S.N. Lute, Advocate for the applicant
Smt. S.D. Shelke, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 24/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Ajanta Police Station, Taluka Sillod in Crime No. 35/2014, registered for the offences punishable under section 307, 326, 324, 323, 504, 506 read with section 34 of the Indian Penal Code, is praying for his release on bail.

3. The applicant's earlier application for similar relief, bearing Criminal Application No. 2143/2014 was allowed to be withdrawn by this Court, vide order dated 15th July, 2014, with liberty to file similar application in case the trial is not concluded within a period of six months. As the trial is not concluded within six months, the present application is filed.

4. The co-accused i.e. the brother of the present applicant was already released on bail by this Court vide the above referred order dated 15th July, 2014.

5. Upon hearing both sides and perusing the record of the present application, it can be gathered that the present applicant was granted a decree for perpetual injunction regarding the land in which the present incident has occurred. According to the complainant - Dnyaneshwar, who is defendant No. 6 in the suit, in which decree for perpetual injunction, is granted, the land belongs to him as well as injured Krushna. On the day of the incident, while the present applicant and his co-accused - brother were putting the bag of corn in a tractor, the complainant and the injured tried to give

understanding to the present applicant and his brother. The complainant and the injured caught hold the present applicant and his brother in the said incident. The present applicant has given one blow of the axe over the head of injured Krushna. The complainant was also assaulted by both the accused and therefore, the offence came to be registered.

6. The injury certificate, which was already adverted to by me earlier while deciding Criminal Application No. 2143/2014, would show that injured Krushna, besides having other injuries, was having a fracture to his right parietal bone, which could be seen even externally. In the circumstances, upon hearing both sides, the earlier application was allowed to be withdrawn with liberty, as detailed above.

7. It is now gathered that the present applicant is behind the bars for more than one year. The trial may take its own time. In the circumstances, considering the background of the case, as detailed supra, in my view, the present applicant can now be released on bail, on certain conditions. Hence, the following order:-

8. The applicant - Aatmaram s/o Tulshiram Jadhav be released on bail in Crime No. Crime No. 35/2014, registered with Ajanta Police Station, Taluka Sillod, for the offences punishable under section 307, 326, 324, 323, 504, 506 read with section 34 of the Indian Penal Code, on his executing P.R. bond in the sum of Rs. 20,000/- (rupees twenty thousand) and also upon furnishing surety in the like amount.

. For a period of three years or till the trial is concluded, whichever occurs earlier, the applicant shall not enter the the village Waghera, Taluka Sillod, District Aurangabad, without prior permission of the concerned court.

. Further, the applicant shall not attempt to influence any of the prosecution witnesses, in any manner.

. The application accordingly stands allowed and disposed of.

[M.T. JOSHI]
JUDGE