

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.1982 OF 2015

Sagar s/o. Kondiram Ghuge ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.J.V.Deshpande, advocate for applicant

Mr.S.R.Palnitkar, APP for respondent

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CORAM : M.T. JOSHI, J.

DATE : APRIL 23, 2015

PER COURT :

Heard both sides.

2] Present applicant, who is arrested in Crime No.I-30 of 2014 registered with Pishor Police Station, Tq. Kannad, Dist.Aurangabad for the offences punishable under Section 302 read with 34 of Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is praying for his release on bail.

3] The earlier application of the present applicant bearing Criminal Application No.5064 of 2014 was disposed of as withdrawn by this Court vide order dated 7th October, 2014, with liberty to the applicant to move this Court if the trial is not concluded within a period of six months. Thereafter, before said six months period could be over, the applicant again had filed another application bearing Criminal Application No.476 of 2015, which came to be dismissed being premature. Hence, present third application.

4] Reading of the case papers and the arguments from both the sides, would show that the case is based on circumstantial evidence. The dead body of the deceased Umesh was found in a well in the field with injuries on his person. The complainant - Savitribai, mother of the deceased, had complained after three days of finding of the dead body, that one Kailas Kaje and Ganesh Pawar had

taken the deceased — Umesh with them for chitchatting outside the house; they were accompanied by one Pandurang Ghuge and present applicant — Sagar Ghuge; and thereafter, only the dead body of Umesh was found. As against this, the statements of the grand-mother of the deceased as well as the neighbor namely, Balu Agale, would show that only two co-accused i.e. Kailas and Ganesh had taken away the deceased — Umesh for chitchatting.

5] Considering the material on record and the case of last seen, as detailed supra, finding that the trial may take its own time and that the applicant was arrested on 5th May, 2014, in my view, the applicant can be released on bail on certain conditions.

6] Hence, the following order :-

- a] Criminal Application is allowed;
- b] The applicant be released on bail in Crime No.I-30 of 2014 registered with Pishor Police Station, Tq. Kannad, Dist.Aurangabad for the offences punishable under Section 302 read with 34 of Indian Penal Code and Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount;
- c] The applicant shall not attempt to influence the prosecution witness in any manner.

[M.T. JOSHI, J.]