

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2144 OF 2015

Vilas s/o Chatru Chavhan,
Age : 30 years, Occu. Labour,
presently under trial,
Residing at Kehalkanda, Tq.
Jintur, District Parbhani

APPLICANT

VERSUS

The State of Maharashtra,
through the Police Station
Officer, Jintur Police Station,
Taluka Jintur, Dist. Parbhani

RESPONDENT

Mr. Hemant Surve, Advocate for the applicant

Mr. V.P. Kadam, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 29/04/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Jintur Police Station, District Parbhani in Crime No. 87/2014, registered for the offences punishable under

section 302, 201, 120(B) of the Indian Penal Code, is praying for his release on bail. His earlier application, for similar relief, bearing Criminal Application No. 4990/2014, was dismissed by this Court vide order dated 11th November, 2014, with direction to the Sessions Court to expedite hearing of the sessions case. In the circumstances, thereafter the present next of the application.

3. The hearing from both sides and the case-papers would show that allegedly, the present applicant has, by hatching a criminal conspiracy, done to death his wife by making a show of road side dacoity at a secluded place. According to the prosecution, at that time, his daughter was with the applicant. The statement of the nine years old daughter - Sheetal would show that this applicant had acted in an un-natural manner which would show facilitation of the crime. In the circumstances, the earlier application of the applicant came to be dismissed.

4. Mr. Hemant Surve, learned counsel for the applicant submits that some of the alleged co-accused -

dacoits i.e. alleged co-conspirators are released on bail either by the sessions court or by this court. He further submitted that the case is based solely on the basis of the statements of the relatives of the deceased on matrimonial side. The present applicant is unable to defend his case. He has to maintain his three children, including the witness i.e. the abovenamed daughter of the present applicant. Mr. Surve further submits that there is no progress in the trial and therefore, he submits that the applicant be released on bail.

5. The learned A.P.P. submits that there are no changed circumstances. The applicant is kingpin of the conspiracy. Merely because the trial is somewhat delayed, this cannot be treated as a change of circumstances.

6. Upon hearing both sides, in my view, though there is certain delay in the trial, considering the material against the present applicant, which is already visited by this court while passing the earlier order dated 11.11.2014, this is not a fit case for releasing the applicant on bail. The application is, therefore, dismissed.

7. The learned Sessions Judge is directed to take efforts for early conclusion of the trial, as directed by this court earlier.

[M.T. JOSHI]
JUDGE

npj/criapln2144-2015