

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2235 OF 2015

Sk. Umer s/o Sk. Siraj
Age 37 years, Occupation: Labour
R/o Mujampeth, Tq. & Dist. Nanded

... **Applicant**

Versus

The State of Maharashtra
Through the Police Station, Cidco Rural
Taluka & Dist. Nanded.

... **Respondent**

Mr. Ganesh P. Shinde, Advocate for the applicant
Mrs. P. J. Bharad, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.

DATE : 12th June, 2015

PER COURT :

1. This is an application for bail. Since the applicant is arrested in connection with Crime No. 314/2014 registered with Police Station CIDCO Rural, Nanded for the offences punishable under Section 302 of the Indian Penal Code, 1860. The applicant is arrested on 09.09.2014 and since then he is in jail.

2. I have heard Mr. Ganesh Shinde, learned counsel for the applicant and Mrs. P. J. Bharad, learned Additional Public Prosecutor for the State.

3. Investigating agency has already completed the entire investigation. Charge sheet is filed. First information report is filed by one Ayub, son of deceased Malang on 05.09.2014. From the prosecution case, it is clear that the first informant is not the eye witness. Learned Additional Public prosecutor has pointed out that there are two eye witnesses in the prosecution case. They are Sayed and Wahed. This Sayed has intimated to the first informant. However, he has not named the present applicant while disclosing the incident to the first informant. From the statement of Sayed, it is clear that deceased and these two eye witnesses were having drinking session and in that deceased Malang used abusive words in the name of mother of the present applicant upon which the applicant has given Katti blow due to which Malang died.

4. It is alleged that due to provocation the applicant has given Katti blow. It appears that at least prima facie it was never the intention of the applicant to commit murder. However, it appears that due to provocation, deceased was assaulted by the applicant. Thus there is every possibility that applicant will be convicted for lesser offence. That leads me to pass following order:

O R D E R

- i. Applicant Sk. Umer s/o Sk. Siraj shall be released on bail in connection with Crime No. 314/2014 registered with Police Station CIDCO Rural, Nanded for the offences punishable under Section 302 of the Indian Penal Code, 1860 on he executing P.R. Bond of Rs.10,000/- (Rs. Thousand only) with one solvent surety in the like amount. Bail before trial Court.
- ii. The applicant shall attend the concerned Police Station once in a fortnight preferably on every Sunday between 3.00 p.m. to 5.00 p.m. till the charge is framed.
- iii. All the observations made in the order are restricted only for the decision in the present application. The learned Sessions Judge who is in seisin with the trial shall not get himself influenced with the observations in sessions trial.
- iv. Application is disposed of.

(V. M. DESHPANDE, J.)

JPC