

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.3360 OF 2015

Bhausahab s/o Gorakhnath Pawar,
Age: Major, Occ: Nil,
U.T. No. 170, Central Prison, Harsool,
Tq. & Dist. Aurangabad

...Applicant

versus

State Maharashtra & ors

...Respondents

.....
Mr. S. D. Hiwrekar, Advocate for applicant (appointed)
Mr. S. R. Palnitkar, A.P.P. for respondent/State.
.....

CORAM : N.W. SAMBRE, J.

DATE : 11th SEPTEMBER, 2015

ORAL ORDER :

The applicant is under-trial prisoner in Sessions trial for the offence punishable under Section 302 of Indian Penal Code, suffered order of rejection of bail, as there are two eye witnesses to the incident.

2. Now, citing the cause of being HIV affected, so also his wife, the applicant has sought bail so as to take care of his daughter and wife.

3. Upon perusal of the report submitted by A.P.I., Police Station, Bidkin and statement of Surekha, wife of present applicant

reflected that, wife of applicant is getting treatment for her disease being beneficiary under Sanjay Gandhi Niradhar Yojana and Antyoday Yojana. Her mother Mirabai and brothers Suryakant and Chandrakant are taking her care and her daughter is looking after by three persons.

4. In view of above, in my opinion, no case is made out. The application fails, same is rejected. However, in the background of health condition of applicant and his wife, hearing of his Sessions Case is expedited.

5. The copy of this order be sent to the Superintendent, Central Prison, Harsool, Aurangabad, who is directed to explain the contents of this order.

6. The fees of appointed Advocate by High Court Legal Services Sub-Committee, Aurangabad, is quantified at Rs. 2,500/- (Rs. Two Thousand Five Hundred only).

[N.W. SAMBRE, J.]