

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2518 of 2015

Ramesh s/o Awchitya Kale
Age 30 years, Occupation: Labour
R/o Takalgavhan Tq. & Dist. Parbhani

... **Applicant**

Versus

The State of Maharashtra
Through Tadkalas Police Station
Tq. Purna Dist. Parbhani

... **Respondent**

Mr. Arun S. Lomte, Advocate for the applicant
Mr. A. S. Shinde, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.

DATE : 11th June, 2015

PER COURT :

1. Heard Mr. A. S. Lomte, learned counsel for the applicant and Mr. A. S. Shinde, learned Additional Public Prosecutor for the State.
2. By the present application, the applicant who is husband of deceased Rekha is seeking his release on bail since he is in jail since 17.06.2014 in connection with Crime No. 56/2013 registered with Police Station Tadkalas, Taluka Purna Dist. Parbhani for the offences punishable under Section 302 read with 34 of the Indian Penal Code, 1860.
3. The Investigating Officer has already already completed

the investigation and charge-sheet is filed. First information report is lodged by father of the deceased.

According to the first information report, marriage between deceased Rekha and present applicant took place about 15 years ago and couple is having 5 children.

4. According to the allegations in the first information report, the applicant is habituated to drink and under the influence of liquor, he used to assault upon his wife. According to the prosecution, on 16th June, 2014, deceased Rekha was brought to the house of the first informant by one Sakharam and Malanbai who are also accused in the present crime and they are released on bail by this court.

5. According to the first information report, it is disclosed by the first informant that accused Sakharam who is granted bail and the present applicant have given kick blows on the stomach of deceased Rekha. This court, while considering the bail application of Sakharam in Criminal Application No. 6666 of 2014, has observed that in the postmortem report there are no external injuries and on internal examination lacerated injury due to burst was found to the bladder and urine had spread in the cavity. Thus, according to the medical officer, death might have been caused due to abdominal injury.

6. This Court has granted bail to the Sakham on 28.12.2014. The role attributed to Sakham and the role attributed to present applicant Ramesh is identical. There is no dispute about the same. In view of the matter, the applicant is entitled to release on bail on the principle of parity. Further custodial presence of the applicant is also not warranted in view of the fact that the charge-sheet is already presented. That leads me to pass following order:

O R D E R

- i. Criminal Application is allowed.
- ii. The Applicant Ramesh s/o Awchitya Kale shall be released on bail in connection with crime No. 56/2013 registered with Police Station Tadkalas, Taluka Purna Dist. Parbhani for the offences punishable under Section 302 read with 34 of the Indian Penal Code, 1860 on he executing P.R. Bond of Rs. 20,000/- (Rs. Twenty Thousand only) with two solvent sureties in the like amount.
- iii. The applicant shall not tamper, in any manner whatsoever, with the prosecution evidence.
- iv. Application is disposed of.

(V. M. DESHPANDE, J.)

JPC