

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

CRIMINAL APPLICATION NO. 2720 OF 2015

Kadu s/o Ramrao Borhade & Ors.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. A.S.Barlota, Advocate for Applicants.

Mrs. S.G.Chincholkar, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 10th JUNE, 2015

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PER COURT :

1. By the present application, the applicants are seeking their release on bail since they are arrested in connection with Crime No. 89/2015 registered with police station M.I.D.C., Waluj, Dist. Aurangabad for the offences punishable u/s 302,323,452,143,147,148,149 of the Indian Penal Code and u/s 135 of the Bombay Police Act.

2. Heard Mr. A.S.Barlota, learned counsel for the applicants and Mrs. S.G.Chincholkar, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Sharad Parashram Borhade, who is brother of deceased Kishor. Date of incident is 02/05/2015. F.I.R. shows that the dispute was going-on between deceased, present applicants and other accused persons. According to F.I.R., present applicants have given only fist blows. That time, first informant and his wife intercepted. Taking advantage of the said, deceased ran away. According to F.I.R., thereafter accused Shivaji entered into his house and brought article [चिमटा], used for plugging cotton plants and given its blow on the head of Kishor. From the investigation papers and from the F.I.R., it is clear that the first informant never entered into the house of deceased Kishor, wherein he was done to death by Shivaji.

4. Looking to the nature of the allegations made against the applicant No. 1 who is aged about 70 years and applicant No. 2 Ujwala, who is lady, discretion can be exercised in their favour.

5. Hence, I pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Applicant No. 1 Kadu s/o Ramrao Borhade and applicant No. 2 Ujwala w/o Shivaji Borhade be released on bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them in connection with Crime No. 89/2015 registered

with police station M.I.D.C., Waluj, Dist. Aurangabad for the offences punishable u/s 302,323,452,143,147,148,149 of the Indian Penal Code and u/s 135 of the Bombay Police Act. Bail before the trial Court.

(iii) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]