

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.  
Criminal Appellate Jurisdiction.**

**CRIMINAL APPLICATION NO. 2774 OF 2015.**

**MAHADEO S/O LAXMAN PAWAR AND ANOTHER.  
VERSUS  
THE STATE OF MAHARASHTRA.**

**Appearance      =>**

Mr. Rajendra G. Hange, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

**CORAM      :      V.M. Deshpande, J.**

**DATE          :      23<sup>rd</sup> June, 2015.**

**Per Court :-**

Present Criminal Application is filed by the applicants for grant of regular bail in connection with CR No.197/2014 registered with Police Station, Gevrai, Taluka – Gevrai, District - Beed for the offences punishable under Section/s 143, 147, 148, 302, 324, 323 read with Section 149 of the Indian Penal Code. (Sessions Case No.26/2015 pending on the file of the learned Additional Sessions Judge, Beed.)

**[2]**          Heard Mr. Rajendra Hange learned counsel for the Applicants and Mr. V.H. Dighe, learned Additional Public Prosecutor for the respondent – the State.

[3] The investigation is already over and the challan is already presented in the court of law. The First Information Report is lodged on 5<sup>th</sup> October, 2014 in respect of occurrence dated 3<sup>rd</sup> October, 2014. First Information Report is lodged by Anil, who is the son of deceased Tukaram Mali. From the allegations made in the First Information Report, it appears that dispute occurred on the earlier date in respect of one musical instrument. According to the prosecution case, present applicant No. 2 – Bhagwat caught hold the deceased; where-as applicant No.1 – Mahadeo gave a blow on his head of log of babool tree. There is no recovery of the said weapon at the instance of any of the present applicants. Further the post mortem report as well as injury certificate of the deceased show that it is the case of single blow. The applicants are arrested on 27<sup>th</sup> October, 2014 and since then they are in jail.

[4] Looking to the fact that it is a case of the single blow and charge sheet is already filed and charge is also not framed in the present case, I pass the following order :-

### **ORDER**

(i) Criminal Application is allowed.

(ii) Applicant No.1 – Mahadeo Laxman Pawar and Applicant No.2 – Bhagwat Sakharam Mali shall be released on regular bail on they executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] each with one solvent surety in the like amount, in connection with CR No.197/2014 registered with Police Station, Gevrai,

Taluka – Gevrai, District - Beed for the offences punishable under Section/s 143, 147, 148, 302, 324, 323 read with Section 149 of the Indian Penal Code. (Sessions Case No.26/2015 pending on the file of the learned Additional Sessions Judge, Beed.)

(iii) Bail before trial court.

(iv) The Applicants shall attend the Police Station, Gevrai, Taluka – Gevrai, District - Beed once in a fortnight, preferably on every Sunday and shall remain present in the said Police Station between 3.00 p.m. to 5.00 p.m, till charge is framed by the court below and thereafter shall abide the further directions given by the learned trial court.

(v) With this Criminal Application is allowed and same is disposed of, accordingly.

**(V.M. DESHPANDE, J.)**