

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

CRIMINAL APPLICATION NO. 2803 OF 2015.

**VINOD S/O FULCHAND MULE.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. Sudarshan J. Salunke, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 26th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.32/2015 registered with Police Station, Washi, District - Osmanabad for the offence punishable under Section/s 302 of the Indian Penal Code.

[2] Heard Mr. Sudarshan J. Salunke, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the State of Maharashtra.

[3] The prosecution has already completed the entire investigation and charge sheet is already filed before the court of law. The applicant is arrested on 20th February, 2015. The first information report is lodged by Bharat Ramdas Gholap, father of deceased Vijaya.

Marriage of the Applicant – Vinod with Viajaya took place on 13th December, 2009. The applicant at the relevant time was discharging his duty in Indian Army.

[4] According to the first information report, present applicant came on leave and on 19th February, 2015 there was celebration of “Chhatrapati Shivaji Maharaj Jayanti”. According to the allegations, in the said celebration, present Applicant consumed liquor and he did not pay any attention to Vijaya and on that count, dispute arose in between Vijaya and Applicant – Vinod.

[5] In the present case, there is no eye witness account. Entire case is based on circumstantial evidence. Neither the first information report nor any of the statement of the prosecution witness show that at any point of time, prior to the incident, deceased was subjected to cruelty at the hands of the present applicant, for any count.

[6] The investigation is already over and when there are no allegations of ill treatment what so ever in nature, further custodial presence of the applicant in jail is not warranted, in view of the fact that, case is based only on circumstantial evidence. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - VINOD S/O FULCHAND MULE shall be released on regular bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.32/2015 registered with Police Station, Washi, District - Osmanabad for the offences punishable under Section/s 302 of the Indian Penal Code.
- (iii) Bail before trial court.
- (iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)