

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2845 OF 2015

Manoj S/o Bhimrao Chondante .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....

Mr. Anil H. Kasliwal, Advocate for the applicant

Mr. R.P. Phatke, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 01/07/2015

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Vimantal (Aerodrum) Police Station, Dist. Nanded in Crime no. 54 of 2014 for the offences punishable under section 143, 147, 148, 149, 302, 325, 323 and 504 of the Indian Penal Code, is praying for his release on bail.

3. His earlier application bearing Criminal Application no.6624 of 2014 was allowed to be

withdrawn by this Court on 16/12/2014 with liberty to file similar application in case the trial is not concluded within six months. Now the trial is not concluded, therefore, the present application.

4. The record would show that over a dispute of election process of Chairman of a Non-Governmental Organization, the present applicant as well as his family members had assaulted the family members of the complainant. In the said incident, according to the F.I.R., the present applicant has caused a stab injury on the stomach of deceased – Manoj, while rest of his family members are alleged to have used knife, stick etc. in order to assault the deceased as well as the other family members. There are two injured besides the deceased.

. The said injury below the chest of the deceased which is attributed to the present applicant would show that it was cavity deep which has caused puncture of lung and heart. The

incident is said to have been occurred at 3.00 pm. in broad day light immediately after the function was over.

5. Taking into consideration all these facts and in view of the fact that more than five accused are involved, the trial may take some time, in my view, taking into consideration the nature of the offence, this is not a fit case for releasing the applicant on bail.

6. Mr. Kasliwal relies on the ratio of "**Sanjay Chandra Vs. CBI**" **2011 All SCR 2930** wherein well established principle that the object of grant of bail to the accused is neither punitive nor preventive and bail is required to be granted to secure the appearance of the accused at the time of trial by reasonable amount of bail and other factors are required to be considered.

7. In the circumstances, the following order:-

- I) The application is hereby dismissed.
- II) The learned Sessions Judge is directed to expedite the hearing in the trial.
- III) Registry to communicate accordingly.

[M.T. JOSHI]
JUDGE

arp/-