

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

Criminal Application No. 2880 of 2015

Jitendra S/o Fakirchand Saindane. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. C.R. Deshpande, Advocate, for applicant.

Smt. R.K. Ladda, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 14th JULY 2015

ORDER:

1) The application Is filed for bail. Both the sides are heard. Previous application of the applicant was disposed of as withdrawn when this Court had expressed that the Court is not inclined to grant the relief. However the Court had fixed the time for disposal of the mate as six months. Such order was made on 29-9-2014. Present application came to be filed on 8-6-2015, after completion of the period fixed by the Court.

2) In view of the aforesaid circumstances, report of the Presiding Officer was called by this Court. The present presiding officer has given reason that the accused was not produced by jail authorities and due to that even charge was not framed by the previous Judge. On 26-2-2015 only charge could be framed but again on subsequent dates the accused was not produced before the Court by the jail authority and so the case has not made any progress. The jail authority is blamed for causing delay for conducting the trial.

3) The police papers show that the incident took due to petty quarrel on 12-4-2014 due to one she buffalo belonging to the applicant- accused side. The mother of the complainant had sustained injury when the complainant went to question and when he was requesting to tether the she buffalo at proper place the quarrel started. During quarrel, present applicant gave blow of one wooden log used for washing clothes on the head of the father of the complainant. When the father collapsed present applicant ran away. The post mortem report shows that one surface wound was found on the

head and this injury had caused fracture to parieto-occipital joint and this had caused extradural haemorrhage. The death took place due to head injury.

4) The witnesses are from the village of the complainant. In view of these circumstances this Court holds that it is not desirable to keep the applicant behind the bars till disposal of the case filed against him.

5) In the result, the application is allowed. The applicant is to be released on bail in Crime No.16/2014 registered in Marwad Police Station, District Jalgaon for offences punishable under sections 302, 323, 504, 34 of the Indian Penal Code on his furnishing PB and SB of Rs.30,000/- (Rs. Thirty Thousand only) with one solvent surety in the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. He is not to enter the village till disposal of the case filed against him.

Sd/-
(T.V. NALAWADE, J.)

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