

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2907 OF 2015

Rahul s/o Devidas Khurane,
Age : 24 years, Occu. Agri.,
R/o Shidod, Tq. & Dist. Beed

APPLICANT

VERSUS

The State of Maharashtra,
through Rural Police Station,
Beed

RESPONDENT

Mr. N.V. Gaware, Advocate holding for
Mr. S.M. Sangale, Advocate for the applicant
Mr. R.P. Phatke, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 24/06/2015

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Beed Rural Police Station, District Beed in Crime No. 105/2014, registered for the offence punishable under section 302 read with section 34 of the I.P. Code, is praying for his release on bail. Earlier he had filed alongwith the co-accused – Sandeep Criminal Application No. 6021/2014. Vide order dated 20th November, 2014,

passed in the said application, while the co-accused Sandeep was directed to be released on bail, the application as regards the present applicant – Rahul was allowed to be withdrawn with liberty to file similar application in case the trial is not concluded within a period of six months. Hence, the present application.

3. The facts already adverted to by this Court in the earlier order dated 20th November, 2014, passed in Cri. Application No. 6021/2014, would show that the wife of the present applicant had complained of having sexual advances by the deceased. The deceased had earlier left his house in the afternoon though complainant – his wife tried to restrain him as he was alcoholic. In the circumstances, in the evening, the present applicant with the accused visited the house of the deceased and gave a blow of wooden club over his head. The complaint filed by his wife would show that the deceased was not given treatment at a private hospital and was referred to the Civil Hospital. Thereafter, the deceased was brought to the village and on the next day, he was taken to the hospital where ultimately he died.

4. Taking into consideration all these facts and the fact that the trial could not be concluded within six months, the alleged motive and further fact that for 48 hours, there was no treatment to the deceased for the injury caused by a single blow, causing fracture to the occipital and temporal bone, without making comment on the argument of Mr. N.V. Gaware, learned counsel for the applicant, as to whether the case falls within ambit of offence of culpable homicide amounting to murder, or not, in my view, the applicant can be released on bail. Hence, the following order:-

5. The applicant - Rahul s/o Devidas Khurane be released on bail in Crime No. 105/2014, registered with Beed Rural Police Station, District Beed, for the offence punishable under section 302 read with section 34 of the I.P. Code, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

. The applicant shall not in any way attempt to influence any of the prosecution witnesses in any manner.

. The application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln2907-2015