

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3064 OF 2015
[Machhindra Mahadu Nisrad Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri S.T.Shelke, advocate for applicant
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 2nd July, 2015

PER COURT :-

- 1] This is an application for regular bail.
- 2] The applicant is arrested in connection with Crime No.19 of 2015, registered with Akole Police station, District Ahmednagar, for the offences punishable under Section 302 r/w 34 of the Indian Penal Code.
- 3] I have heard Shri S.T.Shelke, learned counsel for the applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the State.
- 4] Deceased is one Sominath. The first informant Eknath is the brother of deceased. The first information report is lodged on 6.3.2015. The first information report shows that on 5.3.2015, which was a day of Holi, at 7.30 in the night the villagers assembled around Holi. That time, co-accused Arjun was also there. After the Holi, there took a ceremony by name "Waghya Murali". After the same, deceased left the place along with the present applicant and went towards Kokanewadi. According to the first information report, immediately thereafter co-accused Arjun followed them on motor cycle. On the next day, the dead body of

Sominath was found. The first information report specifically alleges that prior to 4-5 days of the incident, there was a dispute between co-accused Arjun and the deceased on account that the deceased was having illicit relations with wife of co-accused Arjun.

5] In the first information report, no role whatsoever was attributed against the present applicant. However, in the supplementary statement the name of the present applicant is appearing. The allegation is also vague in nature. The applicant was arrested on 9.3.2015 and since then he is in jail. During the course of investigation, clothes of the present applicant are seized. The seizure memo does not show at least prima facie that the clothes were having any blood stains. Further, during the course of the investigation, weapon is seized on a memorandum of Arjun, co-accused.

6] Looking to the fact that investigation is over and applicant is in jail since 9.3.2015, there is no motive whatsoever on the part of the present applicant. There is no recovery at his behest. Applicant can be released on bail. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Machhindra Mahadu Nisrad, be released on bail, in connection with Crime No.19 of 2015, registered with Akole Police station, District Ahmednagar, for the offences punishable under Section 302 r/w 34 of the Indian Penal Code, on he executing P.R. bond in the sum of Rs.15,000/- with one solvent surety in the like amount.
- (iii) Bail before the trial court.
- (iv) Applicant-Machhindra shall attend police station Akole once in a fortnight, preferably on

every Sunday in between 3.00 p.m. to 5. 00 p.m.
till the charge is framed.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3064.15