

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

CRIMINAL APPLICATION NO. 3240 OF 2015

Punjaram s/o Kaduba Borhade

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. R.A.Jaiswal, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 3rd JULY, 2015

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PER COURT :

1. This is an application for bail. Applicant is arrested in connection with Crime No. 89/2015 registered with Police Station M.I.D.C. Waluj, Dist. Aurangabad for the offences punishable u/s 302,323,452,143,147,148 of the Indian Penal Code and u/s 135 of the Bombay Police Act.

2. Heard Mr. R.A.Jaiswal, learned Counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for the respondent – State.

3. Deceased is Kishor. F.I.R. is lodged by Sharad

Paarashram Borhade, who is the brother of deceased. From the F.I.R., it is clear that the dispute in respect of boundary of the agricultural fields was long standing between two families. On 02/05/2015, it was noticed that the present applicant with other co-accused was having verbal altercations with the deceased. That time, according to the F.I.R., present applicant and other co-accused gave kick and fists blows to the deceased. That time, accused Shivaji ran towards his house and brought plucking instrument [चिमटा] and with the help of the same, he assaulted on the head of the deceased, due to which the deceased died. Postmortem report shows that there were various injuries on the person of the deceased, however cause of death is head injury. Said injury can not be attributed to the present applicant since the only role which is ascribed to the applicant is that he has given kick and fists blows to the deceased.

4. Though the charge sheet is not filed, learned A.P.P. submitted that the only formality of submitting challan in the Court remain to be done. Looking to the nature of the accusations made against the applicant in the F.I.R., applicant can be released on bail.

5. Hence, I pass the following order :

- (i) present Criminal Application is allowed.
- (ii) Applicant Punjaram s/o Kaduba Borhade be released on bail in connection with Crime No. 89/2015 registered with Police

Station M.I.D.C. Waluj, Dist. Aurangabad for the offences punishable u/s 302,323,452,143,147,148 of the Indian Penal Code and u/s 135 of the Bombay Police Act on he executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with two solvent sureties of like amount. Bail before the trial Court.

- (iii) Applicant shall attend Police Station M.I.D.C. Waluj, Dist. Aurangabad twice in a week, preferably on every Saturday and Monday in between 3.00 – 5.00 p.m. till filing of the charge sheet.
- (iv) After filing of the charge sheet, applicant shall attend Police Station M.I.D.C. Waluj, Dist. Aurangabad once in a fortnight, preferably on every Sunday in between 3.00 – 5.00 p.m. till the Charge is framed.
- (v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]