

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3330 OF 2015

Raghunath Bhagwan Kadam

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. R.G. Hange, Advocate for the applicant

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

CORAM : M.T. JOSHI, J.

DATE : 16/07/2015

ORAL ORDER :

1. Heard both sides.

2. The present applicant, who is arrested by Jamkhed Police Station, District Ahmednagar, in Crime No. I-76/2014, registered for the offences punishable under section 302, 143, 147, 148, 149, 452, 325, 323, 504 and 506 of the I.P. Code, is praying for his release on bail.

3. In the incident which has occurred on 12th May, 2014, one Asaram Bahir and his son Nitin were done to death while the wife of said Asaram, namely, Gayabai has suffered injuries.

. In the FIR, 32 persons are named as the assailants and other persons unknown to the complainant who had joined in the assault. The genesis of the incident is said to be a decree passed by the civil court in favour of the deceased.

4. Mr. R.G. Hange, learned counsel for the applicant submits that the present applicant is not named in the FIR. The post-mortem notes of each of the deceased would show that they had received 17 injuries each on their person. Further, no weapon is assigned to the present applicant. As the applicant's earlier application for similar relief, bearing Criminal Application No. 5782/2014 was allowed to be withdrawn by this Court on 19th November, 2014, with liberty to file similar application after a period of six months in case the trial is not concluded during that period, the present application is preferred.

. Mr. Hange further submits that since more than 32 persons are arrayed as accused in the offence, the trial may take its own time. Hence, he submitted that the applicant be released on bail.

5. Learned A.P.P. points towards the statement of the injured i.e. the wife of deceased Asaram, namely, Gayabai, recorded on the next day of the incident, in which the present applicant is named as one of the assailants. In the circumstances, he submitted that since there is strong prima facie case against the present applicant to show that he had joined in the murder of two persons and injuries to the third person from the same family, merely because the family secured a decree from the civil court, this is not a fit case for grant of bail to the present applicant.

6. Considering all the facts on record and the fact that on the very next date of the incident, the injured has named the present applicant as one of the assailants, in my view, this is not a fit case for releasing the applicant on bail. The application is, therefore, dismissed.

[M.T. JOSHI]
JUDGE