

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

CRIMINAL APPLICATION NO. 3332 OF 2015

Vijay Bhau Gund

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. P.K.Phale, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp. – State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 16th JULY, 2015

.....

PER COURT :

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 183/2014 registered with Parner police station, District Ahmednagar for the offences punishable u/s 302,307,337,143,147,148,149,323, 504,506 of the Indian Penal Code.

2. Heard Mr. P.K.Phale, learned counsel for the applicant and Mrs. S.G.Chincholkar, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Dilip Tukaram Kashid, who is

the son of deceased Tukaram. According to F.I.R., on 07/08/2014 at 5.30 p.m. when the deceased was grazing his live-stock , that time present applicant along with others assaulted the deceased. F.I.R. further states that, that time co-accused Kisan was having axe in his hand, whereas present applicant was having iron rod. F.I.R. shows that co-accused Bhau Rambhau Gund, Balasaheb Rambhau Gund and Rajendra Bhau Gund assaulted deceased by means of sticks and stones and the present applicant assaulted by means of iron rod. Further allegation in the F.I.R. is that co-accused Kisan gave axe blow on the head of deceased.

4. Investigation is already over. Charge sheet is filed.

5. Postmortem report shows that death is due to head injury caused by sharp edged weapon and fracture to the skull. It is pertinent to note that F.I.R. does not state that the present applicant has given iron rod blow on the head of the deceased. Further, there is no corresponding injury on the dead body which can be attributed to the iron rod. Accused persons who have used sticks are already released on bail by this Court. In that view of the matter, application of the present applicant can be considered favourably. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

- (ii) Applicant Vijay Bhau Gund be released on bail in connection with Crime No. 183/2014 registered with Parner police station, District Ahmednagar for the offences punishable u/s 302,307,337,143, 147,148,149,323,504,506 of the Indian Penal Code on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount. Bail before the trial Court.
- (iii) Present applicant shall attend Parner police station once in a fortnight preferably on every Saturday between 10.00 – 11.00 a.m. till the charge is framed by the learned trial Court.
- (iv) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]