

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3718 OF 2015.

SITARAM SHANKARRAV KHARADE
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Dhananjay B.Thoke, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

Mr. K.N. Shermale, Advocate for the First Informant.

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No.I 131/2014 registered with Police Station, Sangamner (City), Taluka – Sangamner, District - Ahmednagar (Sessions Case No.36/2015) for the offences punishable under Section/s. 306 read with 34 of the Indian Penal Code.

[2] Heard Mr. Dhananjay B.Thoke, learned counsel for the Applicant, Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra and Mr. K.N. Shermale, learned counsel for the First Informant.

[3] First Information Report is lodged by Sachin Bhika Raut, brother of deceased. Deceased belongs to the legal profession and he was practicing at Civil Court, Sangamner and the Revenue Court. According to the First Information Report on 20th June, 2014 deceased left his house for morning walk. First informant received telephonic call from one Nivrutti Gopinath Raut that diary and the foot-wear of the deceased are found near the well of one Adinath Dhamale. Therefore, the first informant and his other relatives went near the said well just to notice the body of Satish floating in the said well. His foot wear and one diary were found near the said well. The diary contains the hand written material of the deceased. The sad shows that the deceased has paid certain amount to the Applicant. It is further written in the said suicide note that though the said amount is taken by the Applicant, who is the Talathi, he is not taking the mutation entry. With the result, the client of the deceased have lost the confidence in him and, therefore, he has committed the suicide.

[4] The investigation in this matter is over. Charge sheet is already filed. In the charge sheet, there is statement of Soheli, who is also Advocate. Perusal of the statement of Soheli corroborates the version in the suicide note.

[5] Investigation is already over. Entire case of the prosecution is based on suicide note and statement of Advocate Soheli. Present Applicant is already suspended from the service, is the statement made by Mr. Dhananjay B.Thoke, learned counsel for the Applicant. Statement is accepted.

[6] The Applicant was working as Talahi. In that view of the matter, there is no chance that he will not be available to the course of justice. Looking to the fact that already charge sheet is filed, I see no reason for further custodial presence of the Applicant, especially when it is not a case of the learned counsel appearing in the matter that Sessions case is already commenced.

[7] At this stage, Mr. K.N. Shermale, learned counsel for the First Informant submits that stringent conditions be imposed upon the Applicant directing him not to enter the village. I am afraid that such condition can be imposed, especially when the entire case of the prosecution is based on the suicidal note and offence is under Section 306 of the Indian Penal Code. In that view of the matter, such prayer cannot be accepted. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant - SITARAM SHANKARRAV KHARADE shall be released on regular bail on he executing P.R. Bond of Rs. 50,000/- [Rs. Fifty Thousand.] with two solvent sureties in the like amount, in connection with CR No.I 131/2014 registered with Police Station, Sangamner (City), Taluka – Sangamner, District - Ahmednagar (Sessions Case No.36/2015) for the offences punishable under Section/s. 306 read with 34 of the Indian Penal Code.

(iii) Bail before trial court.

(iv) The Applicant shall attend the Police Station, Sangamner (City), Taluka – Sangamner, District - Ahmednagar once in a week, preferably on every Sunday, between 3.00 p.m. to 5.00 p.m, till charge is framed by the trial court.

(v) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)