

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

CRIMINAL APPLICATION NO. 3802 OF 2015.

AJIT S/O DHANAJI PATIL.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Pratap G.Rodge, Advocate for the Applicant.

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

CORAM : V.M. Deshpande, J.

DATE : 3rd August, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.41/2015 registered with Police Station, Tuljapur, District – Osmanabad for the offences punishable under Section/s 302, 201 of the Indian Penal Code.

[2] Heard Mr. Pratap G. Rodge, learned counsel for the Applicant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State.

[3] First Information Report is lodged by Prashant Jalindar Sonawane, who is serving as Police-Head-Constable. He received telephonic information from Rajendra Baburao Karande, Sarpanch of

Village Wadgaon(Lakh) informing that, he has noticed something objectionable at village Wadgaon (Lakh). After getting such information, First Informant reached to the village and noticed that in a gunny bag (बारदान्याचे पोते) there is a dead body of one lady.

[4] During the course of investigation, Crime is registered against the present Applicant, his father – Dhanaji and Ujjwala. It is reported that, Dhanaji and Ujjwala are already released on bail, by the learned Magistrate by invoking the provisions of Section 167(2) of the Code of Criminal Procedure.

[5] In so far as present Applicant is concerned, the only incriminating material that the learned Additional Public Prosecutor sought to press into service is the C.D.R. Report that, his presence was found near the place where the dead body was noticed. Admittedly, there are no other circumstances against the present Applicant. Further there is no eye witness account in the prosecution case.

[6] Mr. A.S. Shinde, learned Additional Public Prosecutor also invited my attention to the statement of husband of deceased whose name is Kerba. His statement would reveals that, Dhanaji, father of the present Applicant was having illicit relations with the deceased and the present Applicant always tried to gave words of threat to the deceased. Except this, there is no other incriminating material appearing in the investigation papers against the present Applicant.

[7] In that view of the matter, the Applicant who is of tender age need not be sent in Police Custody. However, interest of the

prosecution can be achieved by imposing certain conditions upon the Applicant. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - AJIT S/O DHANAJI PATIL shall be released on anticipatory bail on he executing PR. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.41/2015 registered with Police Station, Tuljapur, District – Osmanabad for the offences punishable under Section/s 302, 201 of the Indian Penal Code.

(iii) The Applicant is directed to attend Police Station, Tuljapur, District – Osmanabad once in a fortnight, preferably on every Sunday, between 3.00 p.m. to 5.00 p.m., till Charge sheet is filed.

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

(V.M. DESHPANDE, J.)