

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3950 OF 2015

- 1] Bapu s/o. Dada Shelke,
Age : 43 years, Occ.Labour,
r/o. Gondhavni, Tq.Shrirampur,
Dist.Ahmednagar.
- 2] Balu s/o. Dada Shelke,
Age 51 years, occ.Labour,
r/o. Gondhavni, Tq.Shrirampur,
Dist.Ahmednagar
- 3] Gautam Bhausahab Thombre,
Age 33 years, occ.Driver,
r/o.Titwala, Khaandusheth
Patil Colony, Room No.7,
Dist.Thane ..Applicants

Versus

The State of Maharashtra
Through Shrirampur City
Police Station, Tq.Shrirampur,
Dist.Ahmednagar ..Respondent

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Mr.G.R.Syed, advocate for applicants

Mrs.B.B.Gunjel, APP for respondent - State

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CORAM : M.T. JOSHI, J.
DATE : AUGUST 04, 2015

PER COURT :

Heard both sides.

2] The applicants, who are arrested in Crime No.I-154 of 2014 registered with Shrirampur City Police Station, Tq. Shrirampur, Dist.Ahmednagar for the offences punishable under Section 307, 326, 324, 143, 147, 148, 149 read with 34 of Indian Penal Code and Section 4/25 of the Arms Act, are praying for their release on bail.

3] Earlier applications of the applicants for similar relief bearing Criminal Applications No.6029 and 6030 of 2014, were disposed of as withdrawn by this Court with liberty to file similar application in case, the trial is not concluded within six months. Since the trial could not be concluded within six months, present application is preferred. Some of the other co-accused have been already released on bail.

4] The report of concerned sessions court would show that as the Sub-jail at Shrirampur was full,

some under-trial prisoners were required to be kept by the concerned authority at Nashik Jail and they are not brought regularly in the sessions court at Shrirampur. In the circumstances, learned Sessions Judge has reported that in case, the accused are brought regularly to the sessions court, the trial may be concluded within a period of two months.

5] Upon hearing both sides and considering the investigation papers, learned counsel for the applicants Mr.Sayed, on instructions, submits that the applicants do not want to press present application so far as applicant no.1 - Bapu s/o. Dada Shelke and applicant no.3 - Gautam Bhausahab Thombre are concerned.

6] So far as applicant no.2 - Balu s/o. Dada Shelke is concerned, the role attributed to him in the alleged incident appears to be comparatively

minor one. In the alleged incident, three persons were seriously injured and none of them appears to have stated that present applicant no.2 - Balu has assaulted any of them causing serious injuries. In that view of the matter, applicant no.2 - Balu deserves to be released on bail.

7] In the circumstances, the following order :-

A] Present application as regards applicant no.1 - Bapu s/o. Dada Shelke and applicant no.3 - Gautam Bhausaheb Thombre, is allowed to withdraw and disposed of as such.

B] The application as regards applicant no.2 - Balu s/o. Dada Shelke is allowed.

C] Applicant no.2 - Balu s/o. Dada Shelke be released on bail in Crime No.I-154 of 2014 registered with Shrirampur City Police Station,

Tq. Shrirampur, Dist.Ahmednagar for the offences punishable under Section 307, 326, 324, 143, 147, 148, 149 read with 34 of Indian Penal Code and Section 4/25 of the Arms Act, upon his executing P.R. bond in the sum of Rs.30,000/- (Rs.Thirty Thousand) and also upon furnishing surety in the like amount, on the condition that he shall not attempt to influence the prosecution witnesses in any manner.

D] Learned Sessions Judge is requested to expedite hearing in the trial since some of the accused persons are under-trial prisoners.

[M.T. JOSHI, J.]

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