

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

CRIMINAL APPLICATION NO.4193 OF 2015

Harichand s/o Manikrao Bandewar,
Age 25 years, Occu. Labourer,
R/o Deulgaon, Taluka Loha,
District Nanded

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr S.S. Jadhav, Advocate for applicant
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th August 2015

PER COURT

Heard.

2. In the present application, the applicant is seeking regular bail in Crime No.I-38/2015, registered with Loni Police Station, Taluka Rahata, District Ahmednagar, for offence punishable under Section 302, read with Sec.34 of Indian Penal Code.

3. With the assistance of learned Counsel for the applicant and learned Assistant Public Prosecutor, I have perused the charge-sheet. The F.I.R. does not disclose the name of the applicant.

4. It is noted that in the statement of Tara wife of brother of deceased, which was recorded on 25th April 2015 against the incident of 23rd February 2015, has stated that from Uttam Gadakh, she came to know about accompaniment of present applicant with deceased

Rama. It is noted that Uttam, whose statement was recorded on 24th January 2015, has not mentioned the name of the applicant but referred about him only by description. Rest of the witnesses speak about hear-say information about the presence of applicant.

5. So far as discovery from the applicant is concerned, the discovery spot at the behest of applicant is shown to have been noted and the clothes of the present applicant which were recovered are not having any blood stains. Leave apart, the investigation in the present case is already complete.

6. The applicant was arrested on 25th February 2015.

7. In addition to above, it will be appropriate to state that no test identification parade was conducted in the matter, however, the photographs of the accused persons are displayed from the mobile phone by the investigating agency, as is reflected in the statement of the Bar and Restaurant owner Mr Rohan Sachdev and that of Kamlesh Bhalchand, who was working as waiter in Hotel Poonam, which was owned by Rohan Sachdev, the presence of applicant-accused was sought to be established through the recording on C.C.T.V. However, it is required to be noted that the presence of the applicant herein by virtue of his identification was at all not established, as observed herein above. In view thereof, it will be appropriate, in my opinion, to release the applicant on bail. As such, I proceed to pass the following order:

(i) The applicant - Harichand Manikrao Bandewar be released in connection with Crime No.I-38/2015, registered at Loni Police Station, Taluka Rahata, District Ahmednagar for offence punishable under Section 302 read with Sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

(ii) The applicant shall keep himself away from Taluka Sangamner, but for the proceedings in the matter.

8. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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