

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
--	--	---	----------------------------

CRIMINAL APPLICATION NO. 4340 OF 2015
WITH APPLN/6126/2015 IN APPLN/4340/2015

RAGHUNATH RAOSAHEB RAGHUDE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Pawar P. S.
APP for Respondent: Mr. R. B. Bagul.

CORAM: T. V. NALAWADE, J.
DATED: 30th NOVEMBER, 2015.

PER COURT:

1. The first application is filed for bail and the other application is filed for permission to assist learned A.P.P. Both the sides are heard.
2. Learned counsel appointed by the original complainant was allowed to assist learned A.P.P.
3. The first application filed for bail by present application bearing No.5788 of 2013 was rejected by this Court on merit on 5th December, 2013. The second application bearing No.333 of 2014 was for temporary bail and other Honourable Judge had granted temporary

bail for special circumstance by the order dated 30th January, 2014. The third application bearing No.1176 of 2014 was filed for relief of temporary bail and again for the same reason for illness of the father temporary bail was granted by this Court, other Honourable Judge. Then, regular bail application bearing No.: 1697 of 2014 came to be filed which came to be withdrawn when this Court expressed that this Court is not inclined to grant bail. That order was made on 25th July, 2014. The last application bearing No.5967 of 2014 was argued exhaustively and when this Court expressed that this Court is not inclined to grant bail, the application was again withdrawn on 25th February, 2015. In view of this circumstance it was necessary for the applicant to show that there has been change in the circumstances. Learned counsel for the applicant submitted that the applicant has been behind bar for around 2 years now and as the case has not made any progress the applicant is entitled to get bail.

4. This Court has already observed in previous order that present applicant had hired two persons like Ajay and Sumit and their men for murder of Shivaji. There

was political rivalry in two groups of the village of the applicant. The applicant was angry as the promise given by the deceased that he would help the man of the party of present applicant in election to the post of Deputy Sarpanch was not kept. One person did not turn up for voting and due to that the man of Shivaji, deceased was elected to the post of Deputy Sarpanch. There is other circumstantial evidence like immediately after the declaration of result the present applicant had paid visit to the house of Shivaji and threats were given to Shivaji. Then, there is evidence of conspiracy. There is evidence to show that money also passed hands for hiring the killers. This Court has already held that the aforesaid circumstantial evidence and the direct evidence against the hired killers is sufficient to make out the case of conspiracy. There is C.D.R. record also showing that these persons were in touch with each other. It was a brutal murder which was preplanned and this Court has already observed that there is strong prima facie case of conspiracy of murder of Shivaji. Some accused, conspirators have bad antecedents.

5. Most of the witnesses are poor persons. This Court

has considered the possibility of tampering with the prosecution witnesses at the hands of the present Applicant. The police report shows that after the arrest, threats were given to the witnesses. These circumstances are not changed. Considering the possibility of danger to the life of the witnesses this Court holds that the relief cannot be given. Case can be expedited in view of the report given by the Presiding Officer of the trial Court.

6 In the result Application is rejected. The trial Court is directed to expedite the matter and dispose of the same within a period of 4 months from the date of receipt of this order.

[T.V. NALAWADE, J.]

Dt.30/11/2015
ans/4340