

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.5154 OF 2015

Sahebrao s/o. Shankar Bhalkar,
Age 48 years, Occ.Agri.,
r/o. Overgaon,
Tq. and Dist. Aurangabad ..Applicant

Versus

The State of Maharashtra ..Respondent

WITH

CRIMINAL APPLICATION NO.5155 OF 2015

Anita w/o. Sanjay Bhalkar,
Age 31 years, Occ.Household,
r/o. Overgaon,
Tq. and Dist. Aurangabad ..Applicant

Versus

The State of Maharashtra ..Respondent

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In both the applications :-

Mr.S.G.Ladda, advocate for applicant

Mr.K.D.Mundhe, APP for respondent - State

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CORAM : M.T. JOSHI, J.
DATE : OCTOBER 09, 2015

PER COURT :

Heard both sides.

2] Both present applicants, who are arrested in Crime No.21 of 2015 registered with Harsul Police Station, Dist. Aurangabad for the offences punishable under Section 302, 143, 147, 148, 149 of Indian Penal Code, is praying for their release on bail.

3] Upon hearing, learned counsel for the applicants, on instructions, submits that the applicant in Criminal Application No.5155 of 2015 namely Anita w/o. Sanjay Bhalkar, does not wish to press the application, however, liberty to file similar application in case the trial is not concluded within six months, may be granted.

4] After arrest of the applicants, charge sheet is now filed. The case papers would show that

over a dispute of land, six persons had assaulted deceased Vishwas Shinde at about 11:00 a.m. in the morning in his field.

5] Learned counsel for the applicant Mr.Ladda points towards the statements of the eye witnesses recorded by the police, which would show that applicant – Sahebrao in Criminal Application No.5154 of 2015 was not named as one of the assailants.

6] On the other hand, learned APP submits that one of the eye witnesses during his statement lateron recorded before learned Judicial Magistrate F.C. under Section 164 of the code of Criminal Procedure, has named the said applicant.

7] Considering all the facts on record and as the investigation is complete, in my view, applicant – Sahebrao can be released on bail.

8] Hence, the following order :--

A] Criminal Application No.5155 of 2015 filed by Anita w/o. Sanjay Bhalkar is allowed to withdraw and disposed of with liberty to file the similar application in case the trial is not concluded within six months.

B] Criminal Application No.5154 of 2015 is allowed. Applicant namely, Sahebrao s/o.Shankar Bhalkar be released on bail in Crime No.21 of 2015 registered with Harsul Police Station, Dist. Aurangabad for the offences punishable under Section 302, 143, 147, 148, 149 of Indian Penal Code, upon his executing P.R. Bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

C] Applicant — Sahebrao shall not attempt to influence the prosecution witnesses in any manner.

D] He shall not enter the territorial limits of village Overgaon, Tq. and Dist.Aurangabad for a period of two years or till the trial is concluded, whichever occurs earlier, without prior permission of the concerned sessions court.

[M.T. JOSHI, J.]

kbp