

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6325 OF 2014

Dnyaneshwar s/o. Sheshrao Jadhav**Applicant.**

Versus

The State of Maharashtra**Respondent.**

Mr. N.B. Narwade, Advocate for applicant.

Mrs. M.A. Deshpande, APP for State.

CORAM : T.V. NALAWADE, J.

DATED : 7th January, 2015.

ORDER :

1. The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of report given by Ganesh Chavan. He is a labour and he is doing the work of harvesting and cutting sugarcane. He had taken some advance amount from the Mukadam Shri. Gopal Jadhav. Allegations are made that due to the agreement with the complainant, there was some dispute with Gopal and the incident in question took place out of that dispute. Allegations are made that on 7.10.2014 after 4.00 p.m. when the complainant had left the

house for market, he was forcibly taken away by Gopal, brother of Gopal and present applicant on their motorcycle and he was forced to drink liquor. A relative of complainant noticed that these persons were taking the complainant forcibly and so other persons were called. Then these persons were intercepted and quarrel started. Gopal was demanding money from the complainant. Allegations are made that in the incident Gopal, his brother and Mohan Shiva Jadhav held Ankush, son of complainant and Gopal gave blow of knife on the chest of Ankush. Allegations are made that present applicant lifted the complainant and complainant was virtually thrown on the ground. The incident took place at about 6.30 p.m.

3. The P.M. report shows that one stab wound was found on right side of chest of Ankush and it had cut ribs and lung and death took place due to these internal injuries and due to cardiorespiratory arrest.

4. The learned APP filed one certificate issued by Deshpande Hospital from Majalgaon to show that on 7.10.2014 complainant had approached to the hospital and he has received the treatment as OPD patient. There was evidence of any injury on his person as per this certificate.

5. The learned APP submitted that these persons had come together and they together took the complainant and so common intention needs to be inferred against the applicant. The aforesaid material shows that nobody had seen the knife with Gopal and only during incident, Gopal took out the knife and inflicted the stab injury on chest of Ankush. There was motive for Gopal. The applicant has been behind bars since 10.10.2014. It is not certain as to how much time will be required for completion of trial. Recently chargesheet was filed. In view of these circumstances, this Court holds that bail needs to be granted.

6. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand). He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to go to the vicinity of the residential place of the complainant and other witnesses.

[T.V. NALAWADE, J.]

SSC/