

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

CRIMINAL APPLICATION NO. 5943 OF 2015

Maharudra s/o Ganesh Mutange **..... APPLICANT**

V E R S U S

The State of Maharashtra **.... RESPONDENT**

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Mr. A.B.Kale, Advocate for Applicant.

Mr. B.A.Shinde, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 14th DECEMBER, 2015

ORAL ORDER :-

. Here is an application for regular bail in Crime No. 87/2015 registered at Chandanzira police station, district Jalna for the offences punishable u/ss 302,307,143,147,148,149,324,323,114 of the Indian Penal Code and u/s 135 of the Bombay Police Act.

2. Heard Mr. A.B.Kale, learned counsel for applicant and Mr. B.A.Shinde, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. It is the case of prosecution that on 29/06/2015 at 7.45 p.m. Sayyed Sattar brother of first informant Sayyad Nazim after praying Namaz came home

and then went to shop. One Shaikh Sajid informed the complainant on phone that his brother Sayyed Sattar was proceeding to take tea at Sham Tea house and on the way he was assaulted by Rahul, Amol and Mohan Dhondiba Kakde due to which he had sustained injuries. Incident was then reported to police, counter complaint was also lodged.

4. The role attributed to present applicant is that he beat the victim with fists and kicks. Name of applicant was disclosed in the supplementary statement of informant recorded on 24/07/2015. Incident occurred on 29/06/2015.

5. It is pertinent to note that victim died on 18/07/2015. After the incident he was alive for a long time. Statement of victim has not been recorded by investigating agency. No reason is assigned for the same.

6. Considering the role attributed to applicant and since there were counter complaints this Court is inclined to allow the application. Hence, the following order.

ORDER

- (i) Criminal Application No. 5943 of 2015 is allowed.
- (ii) Applicant Maharudra s/o Ganesh Mutange is released on bail in Crime No. 87/2015

registered at Chandanzira police station, district Jalna for the offences punishable u/ss 302,307,143,147,148,149, 324, 323,114 of the Indian Penal Code and u/s 135 of the Bombay Police Act on P.R. and S.B. of ₹ 25,000/- [Rupees Twenty Five Thousand] each.

- (iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.
- (iv) Till conclusion of trial applicant shall not enter the jurisdiction of Chandanzira police station except for the purposes of trial and in other contingency without prior intimation to the concerned police station.
- (v) Bail before the Sessions Court.

[INDIRA K. JAIN]
JUDGE