

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

CRIMINAL APPLICATION NO. 6482 OF 2015

Bapu Dada Shelke

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. Abhaysingh Bhosale holding for Mr. S.S. Jadhav, Advocate for applicant.

Mr. S.D. Ghayal, A.P.P. for respondent-State.

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CORAM : M.T. JOSHI, J.

DATED : 16th DECEMBER, 2015

ORAL ORDER :

Heard both sides.

2. The present applicant was arrested on 22nd June, 2014 in Crime No. 154/2014 registered with the Shrirampur City Police Station for the offences punishable under Section 307, 326, 324, 143, 147, 148, 149 read with Section 34 of Indian Penal Code and 4/25 of the Arms Act, on the basis of which now Sessions Case No.5/2015 is registered. The present applicant has filed this application praying for release on bail.

3. The earlier applications for similar relief bearing Criminal Application Nos. 6029/2014, 3950/2015 and 4874/2015 were dismissed by this Court vide orders dated 03rd December, 2014, 4th August, 2015 and 28th September, 2015 respectively, with a liberty to file similar application in case the trial is not concluded within a period of six months. The copy of roznama maintained by the learned Sessions Judge filed on record as well as the report of the Sessions Judge would show that as the under-trial prisoners are not brought from the jail, even the charge could not be framed till date.

4. The allegations are that due to the previous enmity, the present applicant along with seven other accused had assaulted the complainant, his brother and nephew with swords, wooden sticks, etc. Those three persons were injured and therefore the complaint came to be filed.

5. Mr. Bhosale holding for Mr. S.S. Jadhav, learned Counsel for the applicant points towards the injury certificates. He submits that only grievous injuries to three injured are fractures to metacarpal, left humerus and left patella respectively. He further

submits that there are no chances that the trial would conclude within a reasonable period though the applicant was arrested on 22nd June, 2014. He also points out that other co-accused have already been released on bail.

6. Learned A.P.P. opposed the application. He submits that in all six prosecution witnesses were injured. The applicant is named in the F.I.R.

7. Considering the over all facts and finding that the trial itself may take its own time, in my view, the applicant deserves to be released on bail on certain conditions. Hence the following order.

8. (I) The application is hereby allowed.

(II) The applicant be released on bail, upon his execution of P.R. bond in the amount of Rs.20,000/- (Rupees Twenty Thousand) and also upon furnishing surety in the like amount.

(III) The applicant shall not enter the territorial limits of village Gondhavani, Tq. Shrirampur for a period of two years or till the trial is concluded, whichever occurs earlier, without prior permission from the concerned Sessions Court.

(IV) The applicant shall not in any way attempt to influence the prosecution witnesses in any manner.

9. Application disposed of accordingly.

(M.T. JOSHI, J.)