

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 157 OF 2016

Gautam S/o Bhausahab Thombre
Age : 33 years, Occu. Driver,
R/o. Titwala, Khandusheth Colony,
Room No.7, Dist. Thane .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Satej S. Jadhav, Advocate for the applicant
Mr. R.V. Dasalkar, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 21/01/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Shrirampur City Police Station, Dist. Ahmednagar in Crime no.I-154 of 2014 for the offences punishable under section 307, 326, 324, 143, 147, 148, 149 of the Indian Penal Code and under section 4/25 of the Arms Act, is praying for his release on bail.

3. Earlier Applications of the present applicant bearing Criminal Application Nos.6029 of 2014 and 6030 of 2014 filed alongwith other co-accused were allowed to be withdrawn by this Court with liberty to file similar application in case the trial is not concluded within a period of six (6) months from the date of that order.

. Another application of the present applicant bearing Criminal Application No. 3950 of 2015 was allowed to be withdrawn by this Court vide order dated 04/08/2015.

4. The FIR as well as the case paper would show that in the incident, the present applicant has used a wooden club and assaulted the complainant over his leg and waist. He also assaulted the daughter of the complainant by a sword on her right hand.

5. The injury certificate would show that the patella of the complainant was fractured.

6. Mr. Jadhav, learned counsel for the petitioner submits that though the earlier applications of the present applicant were disposed of long back, by giving liberty to file similar application, in case the trial is not concluded within a period of six months, the copy of the Roznama filed on record would show that now also in near future, there are no chances of conclusion of the hearing, as on some occasions, the accused persons, who are in jail, could not be produced by the authorities.

. It was further pointed out by Mr. Jadhav that one of the co-applicant in the earlier case, namely, Bapu Dada Shelke is released by this Court vide order dated 16/12/2015 passed in Criminal Application No. 6482 of 2015. Similar allegations

are made against the present applicant.

7. Learned A.P.P. opposed the application.

8. It is however to be noted that one of the co-accused against whom similar allegations were there, is already released on bail by this Court.

. Considering the fact that there are no chances in near future, that the trial would be concluded, the present application deserves to be allowed on the similar conditions those are imposed on the said co-accused - Bapu Dada Shelke.

9. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.I-154 of 2014 registered with Shrirampur City Police Station, Tq. Shrirampur, Dist. Ahmednagar for the offences punishable under section 307, 326, 324, 143, 147, 148, 149 of the Indian Penal Code and

under section 4/25 of the Arms Act, upon his executing P.R. bond in the sum of Rs.30,000/- (Rs. Thirty Thousand) and also upon furnishing surety in the like amount, on the condition that he shall not attempt to influence the prosecution witnesses in any manner.

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

10. Application accordingly is disposed of.

[M.T. JOSHI]
JUDGE

arp/-