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

CRIMINAL APPLICATION NO. 156 OF 2016

Balkrushna S/o Kachru Ugle ...APPLICANT

VERSUS

The State of Maharashtra ...RESPONDENT

WITH

CRIMINAL APPLICATION NO. 339 OF 2016

Dattu S/o Gajanan Pagar ...APPLICANT

VERSUS

The State of Maharashtra ...RESPONDENT

Mr V. R. Dhorde, Advocate for applicants;
Mr K. D. Munde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 28th January, 2016

ORDER :

By these applications under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.I-213 of 2015, registered with Vaijapur police station, for offences punishable under sections 302, 143, 147, 148 and 149 of the Indian Penal Code, for the death of one Kailashnand Vishwanand Saraswati, resident of Dahegaon.

2. It is not in dispute that said Kailashnand has murdered one Mahesh Balkrushna Ugle, aged about 9 years, the son of the applicant in Criminal

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Application No.156 of 2016, on the very same day.

3. The prosecution story is that, in view of murder of the son of the applicant in Criminal Application No.156 of 2016, the applicants have murdered Kailashnand. As such, the crime in question.

4. Mr Dhorde, learned Counsel appearing on behalf of the applicants would urge that both the applicants are falsely implicated in the crime in question, as there is hardly any material on record to connect them. Apart therefrom, according to him, the applicant Balkrushna is the complainant in the crime registered against deceased Kailashnand. He would then urge that Balkrushna has lost his son because of the act of deceased Kailashnand. He then submits that assuming without admitting, that the offence in question could be attributed to the applicants, however, it could easily be inferred that the same has happened out of grave and sudden provocation of the other accused persons.

5. Learned Addl. Public Prosecutor has opposed the application on the ground that, although there is no direct evidence connecting the applicants with the crime in question, yet the investigation is in progress.

6. Perused the investigation papers. There is hardly any material on record to connect both the applicants with the crime in question. Apart therefrom, the applicants' custodial interrogation during their police custody remand is already over and nothing incriminating has come on record.

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7. This Court must take note of the fact about murder of the son of the applicant Balkrushna, who was aged about 9 years.

8. In view of above background, in my opinion, it will be appropriate to order release of the applicants on bail. I, therefore, pass following order :-

The applicants Balkrushna S/o Kachru Ugle and Dattu S/o Gajanan Pagar be released on bail, in connection with C.R. No.I-213 of 2015, registered with Vaijapur police station, for offences punishable under sections 302, 143, 147, 148 and 149 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

The applicants shall not enter the jurisdiction of the concerned police station till filing of the charge-sheet.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj