

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

CRIMINAL APPLICATION NO.370 OF 2016

Ganesh s/o Narayan Ingale,
Age 19 years, Occu. Education,
R/o Wadhona, Taluka Bhokardan,
District Jalna

..Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Paradh,
Taluka Bhokardan, Dist.Jalna

..Respondent

- WITH -

CRIMINAL APPLICATION NO.371 OF 2016

Narayan s/o Laxman Ingale,
Age 52 years, Occu. Agriculture,
R/o Wadhona, Taluka Bhokardan,
District Jalna

..Respondent

Mr P.V. Ambade, Advocate for applicant
Mr K.D. Mundhe, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th February 2016

PER COURT

Heard.

2. This is an application for grant of regular bail in Crime No.34 of 2015 registered at Paradh Police Station, District Jalna, for an offence punishable under Sections 302, 326, 324, 504 and 506 read with Sec.34 of Indian Penal Code.

3. In view of the fact that there is strong prima facie case and eye witnesses to the incident, application filed on behalf of applicant

Narayan Laxman Ingale is not pressed, upon instructions by learned Counsel for the applicants. As such, Criminal Application No.371 of 2016 filed by applicant Narayan Laxman Ingale stands dismissed as withdrawn.

4. So far as the claim for grant of regular bail to applicant Ganesh Narayan Ingale is concerned, learned Counsel for the applicants submits that the applicant Ganesh, at the most could be charged with Sections 326 and 324 of Indian Penal Code, as he is not involved in the crime in question of committing murder of deceased Bhimrao. Learned Counsel for the applicants then would urge that the investigation in the matter is complete and charge-sheet is already filed, as such, further detention of the applicant-Ganesh is not necessary and he being a student, his case be considered favourably. He would then undertake on behalf of applicant Ganesh that he shall remain outside the jurisdiction of concerned Police Station till conclusion of trial and shall not tamper with the evidence. He shall not seek modification of condition till conclusion of trial.

5. Learned A.P.P. opposed the application on the ground that there are eye witnesses to the incident. He would urge that the crime in question has given rise to cause of conduct of present applicant.

6. Learned A.P.P. then would urge that the victim Vimalbai has suffered grievous injury.

7. With the assistance, I have perused the investigation papers/charge sheet.

8. It is required to be noted that the role attributed to the present applicant, Ganesh is that of assaulting Vimalbai and other persons with stick, as such the offence in question punishable under Sections 326, 324 of Indian Penal Code is registered. There is no direct involvement of the applicant - Ganesh in commission of offence punishable under Section 302 of Indian Penal Code. In view of above, in my opinion, it will be appropriate to order release of applicant - Ganesh Ingale.

9. The applicant - Ganesh son of Narayan Ingale be released on bail in Crime No.34 of 2015, registered at Paradh Police Stataion, District Jalna, for an offence punishable under Sections 302, 326, 324, 504 and 506 read with Sec.34 of Indian Penal Code, upon furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

10. The undertaking, cited supra that the applicant - Ganesh shall remain outside the jurisdiction of Police Stataion, Paradh, District Jalna till conclusion of trial is accepted. It is also noted that the applicant shall not seek modification of the said condition till conclusion of trial and shall attend the trial on regular basis without interruption.

11. Criminal Application No.371 filed by Ganesh Narayan Ingale sands allowed in above terms.

(N.W. SAMBRE, J.)