

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

CRIMINAL APPLICATION NO. 491 OF 2016

Ram Bhaurao Ghorband,
Age: 20 years, Occ: Agri.,
R/o. Borgaon, Tq. Loha,
Dist. Nanded.

...Applicant

versus

State of Maharashtra

...Respondent

.....
Mr. Joydeep Chatterji, Advocate for applicant
Mr. M.B. Bharaswadkar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 9th FEBRUARY, 2016

ORAL ORDER :

The applicant is seeking regular bail in Crime No. 133 of 2015 registered with Bhokar Police Station, District Nanded, for the offence punishable under Section 302 of the Indian Penal Code, for the alleged incident dated 30/05/2015, for which crime came to be registered on 11/09/2015.

2. Learned Counsel for the applicant, while trying to make out the case for grant of bail, would urge that 'B' Summary was filed in the matter, however, learned Magistrate has rejected the same and

has ordered issuance of process against the applicant. He would further submit that the story as is narrated in the F.I.R., apart from delay in lodging F.I.R., speaks of applicant's non involvement in the crime in question and improbable story. He would then urge that there is no eye witness to the incident as is alleged and as such, he is entitled for regular bail. He would also submit that since upon investigation, nothing was noticed against him, 'B' Summary was filed.

3. Learned A.P.P. submits that upon perusal of papers, this Court may pass appropriate order.

4. In view of the fact that, in the investigation, nothing was noticed against the applicant and there is delay in lodging F.I.R. attributing *mens-rea* on the part of applicant. In my opinion, the applicant is entitled to be released on bail. Hence, the following order.

The applicant be released on bail in connection with Crime No. 133 of 2015 registered with Bhokar Police Station, District Nanded, for the offence punishable under Section 302 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

5. The application is allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/09.02.2016