IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.507 OF 2016

Bhausaheb Eknath Shinde ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr N.C. Garud, Advocate for applicant;
Mr S.M. Ganachari, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 10th February, 2016

ORDER :

By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.90 of 2015, registered with Rahuri police station, Taluka Rahuri, for offences punishable under sections 395, 307, 452, 354-A, 355, 324, 323, 504 and 506 of the Indian Penal Code.

2. The incident is alleged to have taken place on 13th March, 2015 and it is informed that after completion of investigation, charge-sheet in the matter is already filed.

3. Apart from claiming parity with other similarly placed accused, Mr Garud, learned Counsel appearing on behalf of the applicant would urge that the applicant is named in the first information report, however, there

are no specific attributions against him, alleging specific role or active participation in commission of the crime in question. He would submit that though there are eye-witnesses to the incident, they also are not attributing any specific overt act against him. Further detention of the applicant in the custody will hardly be of any assistance to the prosecution. He, therefore, prayed to enlarge the applicant on bail.

4. Learned Addl. Public Prosecutor, relying upon the allegations in the first information report, opposed the application on the ground that the applicant is involved in a serious offence. He would then urge that there are eye-witnesses to the incident. In view of *prima facie* involvement of the applicant in commission of the crime, learned Addl. Public Prosecutor sought rejection of the application.

5. With the assistance, I have perused charge-sheet and the order dated 3rd February, 2016, passed by this Court in Criminal Application Nos.321 of 2016, 322 of 2016 and 363 of 2016, directing release of the other accused on bail.

6. The fact remains that although the eye-witnesses and the first information report depict that the applicant was present at the time of commission of the crime in question, yet no specific role is ascribed to him. Apart therefrom, the applicant is behind bars for about ten months.

7. In view of above and having regard to the nature of allegations in

the first information report, in my opinion, further detention of the applicant will hardly be of any necessity to the prosecution. The applicant has rightly claimed parity, based on the order passed by this Court in Criminal Application Nos.321 of 2016, 322 of 2016 and 363 of 2016. The applicant, therefore, is entitled to be released on bail. Thus, the following order :-

The applicant be released on bail, in connection with C.R. No.90 of 2015, registered with Rahuri police station, Taluka Rahuri, for offences punishable under sections 395, 307, 452, 354-A, 355, 324, 323, 504 and 506 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not enter village Pulwadi (Wambori), Taluka Rahuri, District Ahmednagar for a period of six months or till conclusion of the trial, whichever occurs earlier.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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