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

CRIMINAL APPLICATION NO.744 OF 2016

Niranjan s/o Dajiba Dhavse

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Sachin S. Deshmukh, Advocate for applicant;

Mr S.P. Sonpawle, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 24th 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.I-216 of 2015, registered with Chikalthana police station, Aurangabad, for offences punishable under sections 302, 201 read with section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the applicant is a close friend of Santosh, son of the main accused Jagannath. Jagannath was having another son by name Raju, who was addicted to liquor and used to quarrel with all family members. On the intervening night, deceased Raju quarelled with his father Jagannath. As a result, Jagannath being fed up with attitude of Raju towards him and his family members, murdered him by stoning and giving a blow of an axe. The role attributed to the present

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applicant and Raju – step brother of Santosh is that of assisting the accused in removing the dead body in other part of the land.

3. In the above background, learned Counsel appearing on behalf of the applicant, while trying to make out a case for grant of bail would urge that the investigation in the matter is complete and charge-sheet is also filed. He submits that there is a confessional statement given by Jagannath – the father of deceased Raju taking responsibility of murder of Raju. According to him, even if the entire story is accepted as it is, the applicant could be held responsible to the extent of an offence punishable under section 201 and not 302 of the Indian Penal Code, for the purpose of the present application. According to him, further detention of the applicant is not necessary.

4. Learned Addl. Public Prosecutor submits that the applicant herein, who is close friend of Santosh, has aided the main accused Jagannath in commission of the crime in question. According to him, there is prima facie evidence against the applicant and as such, the application be rejected.

5. Perused the entire investigation papers.

6. It is noted that deceased Raju was murdered by his father Jagannath on 28th September, 2015. On 27th September, 2015, the deceased Raju had abused his family members and had quarrelled with

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his father Jagannath. Similar attitude of Raju appears to be faced by all the family members for the past, as a result of which father Jagananth murdered his own son.

7. The investigation in the matter is complete. The role attributed to the applicant is that of aiding the main accused and another Santosh for shifting dead body of Raju. Thus, in my opinion, further detention of the applicant is not warranted. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R.No.I-216 of 2015, registered with Chikalthana police station, Aurangabad, for offences punishable under sections 302, 201 read with section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj