

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 915 OF 2016

Sagar S/o Suresh @ Bapu Adhagale
Age : 19 years, Occu.: Labour,
R/o. Hangewadi, Tq. Shrigonda,
District – Ahmednagar

.. Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra
Through its Police Station
In-Charge, Belwandi Police Station,
Tq. Shrigonda, District - Ahmednagar

.. Respondent

.....

Mr. N.B. Narwade, Advocate for the applicant
Mr. A.R. Borulkar, APP for the respondent-State
Mr. B.L. Dhas, Advocate for assist to A.P.P.

.....

CORAM : M.T. JOSHI, J.
DATE : 07/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Belwandi Police Station, Tq. Shrigonda, Dist. Ahmednagar in Crime no.I-62 of 2015 for the offences punishable under section 302 r/w. 34 of the Indian Penal Code and under section 4/25 of the Arms Act, is

praying for his release on bail.

3. The case is based on circumstantial evidence. The complaint would show that on 21/05/2015, dead body of the deceased – Rajendra Mahadeo Pawar was found by the side of the road near village Yelpane. In the very same complaint filed on the same day, Digambar Gosavi, brother-in-law of the deceased has given the details of the deep animosity between the deceased and the present applicant and his family members over a dispute on the boundary of the agricultural lands. The complainant and the deceased were tried for the offence punishable under section 307 of the Indian Penal Code on the complaint from the side of the applicant, which entailed into acquittal. Further, the complainant has reported that on the previous day, one Chhabu Gulab Salve told him that the present applicant and his family members had told him that they would kill the deceased and the complainant. The statement of said Chhabu, later-on recorded by the Investigating Officer would also show that the said statement was made to

him.

4. During investigation, according to the prosecution, blood stained sword and axe was seized from the custody of the brother of the present applicant. 21 injuries were found on the person of the deceased. Blood stained clothes of the present applicant are seized, which according to the Chemical Analyzer, were stained with human blood. It is further the prosecution case that accused nos.2 and 3 had thrown their blood stained clothes in the river and, therefore, the same could not be seized.

5. Learned counsel for the applicant submits that the chargesheet is now filed, investigation is complete, the case is based on circumstantial evidence, trial would take its own time and, therefore, the applicant be released on bail.

6. Considering all the material on record and finding that previously one Sessions case was pending between the parties, in my view, this is not a fit case

for releasing the applicant on bail. Instead, since the applicant would be an under-trial prisoner, direction for expedited hearing of the trial can be given.

7. In the circumstances, the following order:-

8. The Application is hereby dismissed.

9. The concerned Sessions Judge is directed to expedite the hearing of the Sessions Case.

[M.T. JOSHI]
JUDGE

arp/-