

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

CRIMINAL APPLICATION NO. 456 OF 2016

Sachin s/o Bhata Shete,
Age: 27 years, Occ: Labourer,
R/o. Tirpole, Tq. Chalisgaon,
District Jalgaon.

...Applicant

versus

The State of Maharashtra

...Respondent

WITH

**CRIMINAL APPLICATION NO. 922 OF 2016
IN
CRIMINAL APPLICATION NO.456 OF 2016**

Ankush s/o Bhavrao More (Bhil),
Age: 35 years, Occ: Agri.,
R/o. Tirpole, Tq. Chalisgaon,
District Jalgaon.

...Applicant

versus

The State of Maharashtra & anr.

...Respondents

.....

Mr. Satej S. Jadhav, Advocate for applicant in Criminal Application
No. 456 of 2016

Mr. S.J. Salgare, A.P.P. for respondent/State

Mr. P.B. Patil, Advocate to assist A.P.P.

.....

CORAM : N.W. SAMBRE, J.

DATE : 9th FEBRUARY, 2016

ORAL ORDER :

For the reasons stated in the application, Criminal
Application No. 922 of 2016 to assist A.P.P. stands allowed.

2. The applicant is seeking regular bail in Crime No. 29 of 2015 registered with Mehunbare Police Station, District Jalgaon, on 03/05/2015 for the alleged incident dated 02/05/2015, for the offence punishable under Sections 302, 143, 146, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code, under Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 37(1) (3) and 135 of the Bombay Police Act.

3. Mr. Jadhav, learned Counsel for the applicant, while trying to make out the case for grant of regular bail, would urge that from the spot panchnama, it could be ascertained that the place of assault is in the vicinity of court yard of house of the applicant. He would then urge that post mortem report speaks of cause of death, as head injury and invited attention of this Court to column No. 17 which depicts three injuries to the deceased on head. He invited attention of this Court to the statement of eye witnesses and story narrated in the F.I.R. and submits that role attributed to the applicant is, a blow of rod on the head of the deceased. According to him, as deceased has suffered three injuries on the head, which has formed cause of death, the applicant in isolation cannot be held responsible.

4. Learned A.P.P. assisted by learned Counsel for the complainant.

5. Learned A.P.P. would urge that even if the investigation is complete and charge sheet is filed, there is strong *prima facie* case against the applicant in view of the statement of eye witnesses and role attributed to the applicant.

6. Perused the charge sheet.

7. It is not the dispute that deceased has suffered three injuries and place of incident was court yard of the house of applicant. Apart from above, though cause of death is head injury, however, it is noted that there are three injuries narrated in the post mortem report and role attributed to the applicant is only of causing injury and not repeated assault on the head of the deceased.

8. In my opinion, the applicant's false implication cannot be ruled out. As such, the applicant is entitled to be released on bail. Hence, the following order.

The applicant be released on bail in connection with Crime No. 29 of 2015 registered with Mehunbare Police Station, District Jalgaon, for the offence punishable under Sections 302, 143, 146, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code,

under Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and under Section 37(1)(3) and 135 of the Bombay Police Act, upon furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

9. Criminal Application No.456 of 2016 is allowed in above terms.

[N.W. SAMBRE, J.]