

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1315 OF 2016

1] Raosaheb s/o. Narayan Bhosle
2] Bhausahab s/o. Narayan Bhosle
3] Shrimant s/o. Annasaheb Bhosle ..Applicants

Versus

The State of Maharashtra ..Respondent

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Mr.S.S.Ladda, advocate i/b. Mr.S.G.Ladda,
advocate for applicants

Mr.A.R.Borulkdar, APP for respondent - State

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CORAM : M.T. JOSHI, J.

DATE : MARCH 14, 2016

PER COURT :

Heard both sides.

2] The applicants, who are arrested in Crime No.I-100 of 2015 registered at Virgaon Police Station, Dist.Aurangabad for the offences punishable under Section 302, 504, 143, 147, 148, 149 of Indian Penal Code, are praying for their release on bail.

3] Mr.Ladda, learned counsel for the applicants files on record a copy of the charge sheet. The same is accepted on record and marked as "X" for the purpose of identification.

4] During hearing, Mr.Ladda, learned counsel for the applicants, on instructions, submits that applicant nos.1 and 2 wish to withdraw the application, however, liberty to file the similar application in case the trial could not be concluded within a period six months, may be granted.

5] As regards applicant no.3 – Shrimant, Mr.Ladda, learned counsel submits that though, in the FIR filed by the brother-in-law of the victim, name respondent no.3 – Shrimant was mentioned on the basis of the version of the eye witness, the statement of the said eye witness namely Babasaheb Wayal recorded under Section 164 of the Code of

Criminal procedure, would show that present applicant no.3 – Shrimant was not even present at the time of the alleged incident. Mr.Ladda, learned counsel, therefore submits that applicant no.3 may be released on bail.

6] Learned APP opposes the application.

7] The FIR would show that the complainant had received the information about the incident from said eye witness – Babasaheb when the dead body of the deceased was already taken for the post mortem examination. The statement of the said eye witness would show that present applicant no.3 was not even present on the spot. Considering all these facts on record, present applicant no.3 – Shrimant can be released on bail.

8] Hence, the following order :-

A] Criminal Application is hereby allowed.

B] Present application is disposed of as withdrawn as regards applicant nos.1 and 2.

C] The application stands allowed as regards applicant no.3 - Shrimant s/o. Annasaheb Bhosle only. He be released on bail in connection with in Crime No.I-100 of 2015 registered at Virgaon Police Station, Dist.Aurangabad for the offences punishable under Section 302, 504, 143, 147, 148, 149 of Indian Penal Code, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs.Fifteen Thousand) and also upon furnishing surety in the like amount.

[M.T. JOSHI, J.]

kbp