

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1377 OF 2016

Yogesh s/o Jaihind Patil,
Age : 40 years, Occu. Agri.,
R/o at Sarve (Bk), Taluka
Pachora, District Jalgaon

APPLICANT

VERSUS

The State of Maharashtra,
through Pachora Police Station,
District Jalgaon

RESPONDENT

Mr. Nilesh S. Ghanekar, Advocate for the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 16/03/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant, who is arrested by Pachora Police Station, District Jalgaon in Crime No. 150/2015, registered for the offences punishable under section 302, 307, 325, 324, 143, 147, 148, 149, 504 of the Indian Penal Code, is praying for his release on bail.

3. The arguments from both sides as well as the case papers would show that over an issue of placing metal in front of the house, the dispute had started. In the said dispute, the relatives of the applicant had assaulted deceased Aakosh as well as his other family members.

. It is alleged that one Bhushan had stabbed deceased Aakosh by some sharp edged weapon. So far as present applicant is concerned, the allegations are that during the incident, he found one spade lying on the spot and the said spade was hit by him on the left-hand side of the face of Nirmalabai. The injury certificate regarding said Nirmalabai would show that she had suffered 1 cm x 1/2 cm bone deep bleeding injury to the mandible region. The injury is certified by the medical officer as simple one.

4. Mr. N.S. Ghanekar, learned counsel for the applicant submits that the applicant is behind the bars since 10th September, 2015 i.e. for a period of more than six months. The investigation is complete. Further, the prosecution case would show that in a spur of moment, the incident had started between the members of

two families. He submitted that considering the alleged role against the applicant, the applicant be released on bail.

5. Learned A.P.P. opposed the application. He submitted that the fact that one of the assailants has used sharp edged weapon would show that there were certain preparations.

6. Considering all the material on record, appreciating the alleged role played by the present applicant and further finding that the applicant is behind the bars for more than six months and investigation is complete, in my view, the applicant can very well be released on bail, on certain conditions. Hence, the following order.

7. The applicant be released on bail in Crime No. 150/2015, registered with Pachora Police Station, District Jalgaon for the offences punishable under section 302, 307, 325, 324, 143, 147, 148, 149, 504 of the Indian Penal Code, on his executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) and also upon furnishing surety in the like amount.

. The applicant shall not enter the territorial limits of village Sarve (Bk.), Taluka Pachora for a period of two years, except without prior permission of the concerned trial court.

[M.T. JOSHI]
JUDGE

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