

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1464 OF 2016

Bhagyawant @ Lala Dashrath Kale,
Age : 28 years, Occu. Labour,
R/o Village Bori, Tal. Washi,
District Osmanabad

APPLICANT

VERSUS

1. The State of Maharashtra,
through the Superintendent of Police,
Osmanabad

2. The Incharge Investigation Officer,
Police Station, Washi, Tal. Washi,
District Osmanabad

RESPONDENT

Mr. V.S. Undre, Advocate for the applicant

Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 05/04/2016

ORAL ORDER :

1. Heard both sides.

2. The present applicant who is arrested by Washi Police Station, District Osmanabad in Crime No. 92/2011, registered for the offences punishable under section 307, 147, 148, 149, 323, 504 of the Indian Penal Code, is praying for his release on bail.

3. The allegations against the applicant and other co-accused and more particularly one Anil Dashrath Kale are that they assaulted the victim by axe while rest of the family members of the complainant were assaulted by sticks, etc. by the named accused. The incident is said to have occurred on 24th July, 2011.

4. The present applicant was shown absconding in the chargesheet which was earlier filed against rest of the accused. Thereafter, the present applicant came to be arrested on 15th January, 2016. His application bearing Cri. Bail Application No. 11/2016, for releasing him on bail came to be rejected by the learned Additional Sessions Judge, Bhoom vide order dated 25th January, 2016, principally for the reason that he was absconding.

5. Learned counsel for the applicant points towards the fact that the rest of the accused including Anil Dashrath Kale are released on bail by the Sessions Court at Osmanabad in Cri. Bail Application No. 526/2011 vide order dated 8th September, 2011. He submitted that in fact, the present applicant has not absconded and the

police did not at any time come to arrest him. He further submitted that the charge is yet to be framed against the rest of the accused.

6. Considering the overall material on record, the applicant deserves to be released on bail on certain stringent condition. Hence, the following order :

7. The applicant be released on bail in Crime No. 92/2011, registered with Washi Police Station, District Osmanabad for the offences punishable under section 307, 147, 148, 149, 323, 504 of the Indian Penal Code, on his executing P.R. bond in the sum of Rs. 30,000/- (rupees thirty thousand) and also upon furnishing two sureties in the amount of Rs. 15,000/- (rupees fifteen thousand) each.

8. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE