

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1580 OF 2016

Patting Kisanrao Gadadhe
Age : 40 years, Occu.: Agri.,
R/o : Kherda, Tq. & Dist. Hingoli .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. Vijay Sharma, Advocate for the applicant
Mr. M.B. Bharaswadkar, APP for the respondent-State

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CORAM : M.T. JOSHI, J.
DATED : 13/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Hingoli (Rural) Police Station, Dist. Hingoli in Crime no.49 of 2015 for the offences punishable under section 302, 506 r/w. 34 of the Indian Penal Code, out of which, now Sessions Case No. 25 of 2015 is pending on the file of learned Additional Sessions Judge, Hingoli, is praying for his release on bail.

3. Upon hearing both sides, it is clear that the case is based on circumstantial evidence. While the dead body of the deceased was found on 29/04/2015, his wife lodged the complaint on 03/05/2015, that, on the date of conducting the post-mortem examination i.e. on 30/4/2015, the present applicant alongwith his two brothers had threatened her not to disclose their previous enmity with the deceased. According to her, the sister-in-law of the brothers of the present applicant had certain illicit relations with the deceased and over the same, all the brothers including the present applicant used to threaten the deceased of commission of his murder. About 15 days prior to the death, similar threats were given and, therefore, the complaint came to be filed.

4. Besides this material, statement of the annual contract labour of the deceased, namely, Vitthal Gulve would show that on the date of the incident, the co-accused - Bhimrao had visited the field of the deceased

and at that time, he angrily asked the said witness, as to where the deceased had gone. When the witness told that the deceased had gone to his another field, said co-accused went towards the said field.

5. Learned counsel for the applicant submits that the applicant was arrested on 11/05/2015 and the trial would take its own time, hence, the applicant be released on bail.

6. Learned A.P.P. opposed the application.

7. Considering all the material on record and finding that the trial may take its own time, in my view, the applicant can be released on bail, on the following conditions.

8. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no. 49 of 2015 registered with Hingoli (Rural) Police Station, Dist. Hingoli for the offences punishable

under section 302, 506 r/w. 34 of the 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.

III) The applicant shall attend the concerned Police Station on every 4th Monday of each month for a period of four (4) months, from the date of his release on bail.

9. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/-