

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1785 OF 2016

Bhavdu @ Rahul Ramchandra Birhade,
Age : 24 years, Occu. Labour,
R/o Umala, Tq. & District Jalgaon

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

Mr. Satej S. Jadhav, Advocate for the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 12/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who was arrested by MIDC Police Station, District Jalgaon in Crime No. 318/2015, registered for the offence punishable under section 302 of the Indian Penal Code, is praying for his release on bail.
3. The father of the present applicant i.e. the deceased was admitted to the hospital while he was already dead. According to the complainant, Assistant

Police Inspector (A.P.I.), he thereafter made enquiry with the present applicant who had confessed that as he was fed up with the vices of the deceased of gambling, alcohol and beating to his mother over the demand of money, on 18th November, 2015, in the incident, he manhandled the deceased and in the said incident, he pushed his father. Resultantly, the deceased father was dashed to the wooden pillar in the house and suffered injuries which is the cause of the death.

4. Besides this FIR of the A.P.I., the prosecution relies on the extrajudicial confession said to have been made by the present applicant to the police patil of the village on 19th November, 2015 when he visited the hospital. The present applicant was arrested on 19th November, 2015.

5. Learned counsel for the applicant submitted that the false case is made out against the present applicant only to show the investigation. The investigation is now complete and the chargesheet is filed.

6. The learned A.P.P. opposed the application.

7. Considering all the facts on record that the case is based on circumstantial evidence and more particularly the extrajudicial confession said to have been made by the present applicant, in my view, the further custody of the applicant is not required as the trial may take its own time. Hence, the following order:

8. The applicant — Bhavdu @ Rahul Ramchandra Birhade be released on bail in Crime No. 318/2015, registered with MIDC Police Station, District Jalgaon for the offence punishable under section 302 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.

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

[M.T. JOSHI]
JUDGE

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