

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1813 OF 2016

Satish S/o Pandurang Deshmukh,
Age 35 years, Occu. : Agri.,
R/o Kadoli, Tq. Sengaon,
District Hingoli

.. Applicant

Vs.

The State of Maharashtra
Through Police Station,
Goregaon, Tq. Sengaon,
District Hingoli

.. Respondent

.....

Mr. N.S. Ghanekar, Advocate for the applicant
Mr. M.B. Bharaswadkar, APP for the respondent-State

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CORAM : M.T. JOSHI, J.
DATED : 11/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who was arrested by Goregaon Police Station, Tq. Sengaon, Dist. Hingoli in Crime no. 134 of 2015 for the offence punishable under section 302 of the Indian Penal Code, is praying for his release on bail.

3. The applicant was arrested on 17/12/2015. The complaint by the father of the deceased - Shivaji on the same day would show that on the previous day i.e. on 16/12/2015 between 9.00 pm and 9.30 pm in the night, the present applicant had assaulted the deceased with stone in a lane nearby a Nagnath temple of his village Kadoli, due to which the deceased has died.

4. The motive attributed in the complaint is that the deceased had illicit relations with the wife of the present applicant and in-fact on two occasions, she had eloped with him and, thereafter, returned to the house. Therefore, the complainant - father of the deceased had even directed the deceased to be away from the village, still, on 16/12/2015, he (deceased) entered the village and the incident has occurred.

5. Post mortem examination note would show that besides other external injuries, one wound was found on the forehead, which has caused the death.

6. Mr. Ghanekar, learned counsel for the

applicant took me through the record to show that according to the complaint, the incident was witnessed by another son of the complainant, namely, Vijay. He submits that the statement of said eye witness was not recorded by the Police for one more day, though the panchanama of the spot of occurrence was allegedly drawn by pointing out the place by the said witness. He submits that the present applicant is falsely implicated in the death of the deceased, as a grave suspicion due to the illicit relations of the deceased with the wife of the present applicant is there.

. It was further pointed out that the panchanama of the spot of occurrence would show that the house of one villager - Yusuf is adjoining to the spot of occurrence, however, his statement is not recorded by the Police, as said Yusuf would have been an independent eye witness.

7. Learned A.P.P. opposed the application. He submits that the statement of the eye witness - Vijay would show that he had communicated the fact to

the Police Patil.

8. Upon hearing both sides and considering the background of the case, and finding that the trial would take its own time, in my view, the present applicant can very well be released on bail on certain conditions.

9. Hence, the following order:-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.134 of 2015 registered with Goregaon Police Station, Tq. Sengaon, Dist. Hingoli for the offence punishable under section 302 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 not enter the territorial limits of village Kadoli, Tq. Sengaon, District - Hingoli for a period of two (2) years or till the trial

is concluded, whichever occurs earlier, without the prior permission from the concerned Sessions Court.

IV) The applicant shall not attempt to influence the prosecution witnesses in any manner.

10. Application stands disposed of accordingly.

Sd/-
[M.T. JOSHI]
JUDGE

arp/-