

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1846 OF 2016

1. Sudam s/o Vitthal Javare,
Age : 47 years, Occu. Agri.,
R/o Village Kalmadi, Taluka
and District Nandurbar
2. Lala s/o Hiranman Javare,
Age : 65 years, Occu.
and r/o as above
3. Ashok s/o Aatmaram Javare,
Age : 38 years, Occu.
and r/o as above
4. Dadabhai s/o Lala Javare,
Age : 65 years, Occu.
and r/o as above

APPLICANTS

VERSUS

The State of Maharashtra,
through Police Station Officer,
Nandurbar Taluka Police Station,
Tq. and District Nandurbar

RESPONDENT

Mr. Gajanan G. Kadam, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

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

ORAL ORDER :

1. Heard both sides.

2. The present applicants, who are arrested by Nandurbar Taluka Police Station, District Nandurbar, in Crime No. 29/2016, registered for the offences punishable under section 302, 307, 143, 147 read with section 34 of the Indian Penal Code, are praying for their release on bail.

3. All the present applicants were arrested on 4th March, 2016 and presently they are in magisterial custody. The case is based on circumstantial evidence.

4. The prosecution allegations are that on the instigation of one Somalalchand Javare, the present applicants might have caused the death of the wife of the complainant as the complainant and said Somalalchand had dispute over a plot.

5. The evidence so far collected, as can be seen from the submissions of the learned A.P.P., is that of the motive i.e. the dispute between said Somalalchand Javare and the complainant with an allegation that said Somalalchand, who resides at Panvel, might have instigated the present applicants.

6. Considering all the material on record and finding that the trial may take its own time, the present applicants deserve to be released on bail. At the same time, certain precaution for smooth investigation in the case is also required to be taken. In the circumstances, the following order:

7. All the four applicants be released on bail in Crime No. 29/2016, registered with Nandurbar Taluka Police Station, District Nandurbar, for the offences punishable under section 302, 307, 143, 147 read with section 34 of the Indian Penal Code, on their executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) each and also upon furnishing surety each in the like amount.

8. All the four applicants shall not enter the territorial limits of village Kalmadi, Taluka and District Nandurbar for a period of three months from the date of their release on bail. They shall furnish their respective address of residence during the said period to the investigating officer as well as in the personal recognition bond to be submitted before the concerned court.

9. Further, all the four applicants shall attend the investigating officer/concerned police station as and when reasonably called by him for the purpose of investigation/interrogation. The applicants shall not attempt to influence any of the prosecution witnesses in any manner.

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

11. Hamdast granted, at the request of learned counsel for the applicants.

[M.T. JOSHI]
JUDGE

npj/criapln1846-2016