

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1853 OF 2016

Jahirkha S/o Kadirikha Pathan
Age : 39 years, Occu.: Labour,
R/o Khedi, Tq. Kannad,
At present R/o Mirza Colony,
Sillod, Tq. Sillod,
Dist. Aurangabad .. Applicant

Vs.

The State of Maharashtra
at the instance of Pishor
Police Station, Tq. Kannad,
Dist. Aurangabad .. Respondent

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Mr. Sandeep N. Lute, Advocate for the applicant
Smt. R.P. Gour, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.
DATE : 10/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking regular bail in
Crime no. I-14 of 2014 registered at Pishor Police
Station, Tq. Kannad, Dist. Aurangabad for the
offences punishable under section 302, 307, 326,

143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code for an alleged incident dated 23/2/2014.

3. The investigation in the matter is complete and the chargesheet is filed. According to the applicant, there is no specific role attributed to the present applicant and as such in view of the general allegations against him, he is entitled to be released on bail in absence of any criminal antecedents.

4. Learned A.P.P. submits that the role attributed to the applicant in the crime in question is participation alongwith other co-accused and assaulting the deceased with stick. She would then submit that the applicant was absconding for almost 5 months after his pre-arrest bail application was rejected. As such, according to her, the present application be rejected.

5. Having bestowed my thoughts to the submissions, it is required to be noted that there

are no criminal antecedents. The investigation in the matter is already complete and the chargesheet is filed.

6. The role attributed to the applicant is that of participation in the crime in question and use of stick.

7. In my opinion, in view of general allegations against the applicant, his further detention will not be necessary. Hence, the following order:-

8. The applicant be released on bail in Crime no.I-14 of 2014 registered with Pishor Police Station, Tq. Kannad, Dist. Aurangabad for the offences punishable under section 302, 307, 326, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code, upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

9. Learned counsel for the applicant undertakes that the applicant shall not delay the trial in any manner and co-operate with the learned Sessions Judge in disposal of the matter.

10. Default, if any, on part of applicant in attending the trial, shall entail the learned Sessions Judge to proceed with the cancellation of bail.

11. Criminal Application stands allowed in the above terms.

[N.W. SAMBRE]
JUDGE

arp/-