

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2032 OF 2016

Shri Ganesh S/o Macchindra Bhutkar
Age : 30 years, Occupation : Agriculturist,
Resident of Shani-Shingnapur,
Tal : Newasa, Dist. : Ahmednagar,
Maharashtra .. Applicant

Vs.

The State of Maharashtra
at the instance of
Sonai Police Station, Sonai,
Tal : Newasa, Dist. : Ahmednagar .. Respondent

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Mr. A.D. Ostwal, Advocate for the applicant
Mr. A.S. Shinde, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.
DATE : 27/07/2016

ORAL ORDER :

Heard.

2. The applicant is seeking regular bail in Crime no.I-92 of 2015 registered at Sonai Police Station, Tq. : Newasa, Dist. : Ahmednagar for the offences punishable under section 341, 364, 307, 504, 506, 34, 120-B of the Indian Penal Code and

under section 3/25 of the Arms Act and section 142, 37(1)(3) and 135 of the Bombay Police Act.

3. The applicant was arrested on August 25, 2015 and after the investigation in the matter is completed, chargesheet is filed.

4. In January, 2016, bail application of the applicant came to be withdrawn, however, the change in circumstance, as is brought to my notice by Shri Ostwal, learned counsel for the applicant is that the charge in the matter is already framed. In addition to the merits of the matter, he would submit that the further detention of the applicant will be hardly of any consequence, as the applicant is very much available for the prosecution and there are other compelling circumstances, such as health of the applicant, his mother passed away some time back and the fact that the investigation in the matter is already complete. He volunteers that he will stay away from the jurisdiction of the

Superintendent of Police, Ahmednagar, till the conclusion of the trial but for entering the city, for trial purposes.

5. Learned A.P.P. opposed the application on the ground that there are in all eight criminal antecedents against the applicant. He would then submit that there is prima facie case against the applicant and as such, the application be rejected.

6. It is not in dispute that the other accused in the crime, from whom, weapon was recovered, were already released on bail. In addition to above, it is to be noted that the offences, which are resulted into his prosecution, are of the year 2010 – 2013 and there are no new offences but for the one in which bail is sought after 2013.

7. Apart from above, it is required to be taken note that the charge in the matter is already framed and the applicant is volunteering that he shall stay away from the jurisdiction of

Superintendent of Police, Ahmednagar. In view of above, in my opinion, the application needs to be allowed on the following terms :-

8. The applicant be released on bail in Crime no.I-92 of 2015 registered with Sonai Police Station, Tq. : Newasa, Dist. : Ahmednagar for the offences punishable under section 341, 364, 307, 504, 506, 34, 120-B of the Indian Penal Code and under section 3/25 of the Arms Act and section 142, 37(1)(3) and 135 of the Bombay Police Act, upon his executing P.R. bond in the sum of Rs.50,000/- (Rs. Fifty Thousand) with two (2) sureties in the like amount.

9. The applicant shall not tamper with the prosecution evidence or influence the witnesses in any manner.

10. The applicant shall remain outside the territorial jurisdiction of Superintendent of Police, Ahmednagar till the conclusion of trial and

shall enter the jurisdiction, only for the purposes of attending the Court proceedings.

11. During trial, the applicant shall co-operate with the Court below by not seeking unnecessary exemptions and shall not protract the trial.

12. Single default on the part of the applicant shall entail the prosecution to straight away move this Court for cancellation of the bail.

13. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-