

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO. 2261 OF 2016

Janardhan s/o Abhiman Satdive and anr.

...Applicants

VERSUS

The State of Maharashtra

...Respondent

.....
Shri J.V.Deshpande, advocate for applicants
Shri R.B.Bagul, A.P.P. for respondent/State
.....

CORAM : INDIRA K.JAIN, J.

DATED : 5th May, 2016

ORDER :

This is an application for regular bail in Crime No. I-249 of 2015, registered at Kannad police station, District Aurangabad for the offences punishable under Sections 302, 307, 323, 504 r/w 34 of the Indian Penal Code.

2] Heard Shri J.V.Deshpande, learned counsel for applicants and Shri R.B.Bagul, learned A.P.P. for State. Perused case papers.

3] Incident took place on 3.12.2015 at around 6.00 p.m. Eknath Mathaji Satdive, resident of Chapaner, taluka Kannad was sitting on the Ota of his house. It is alleged that due to partition dispute applicants came there, abused the complainant and slapped him. Applicant Janardhan brought a can containing kerosene,

poured kerosene on the person of Eknath and applicant Vijay set him on fire. Victim sustained 85 per cent burns and succumbed to injuries on 8.12.2015. Applicants were arrested on 22.12.2015 and since then they are in custody.

4] Prosecution case is based on one written dying declaration and one oral dying declaration. Co-accused Satish has been released on bail by this Court vide order dated 11.2.2016 in Criminal Application No. 497 of 2016.

5] It is not in dispute that the relations between the parties were strained on account of partition dispute. Considering the nature of allegations against the applicants, the period of their detention and since charge sheet has been filed this Court finds that no purpose would be served by keeping the applicants in further custody. Hence the following order.

ORDER

(i) Criminal Application No. 2261 of 2016 is allowed.

(ii) Applicants are released on bail on P.B. and S.B. of Rs.15,000/- each.

(iii) Applicants shall not tamper with prosecution evidence and shall make themselves available as and when required.

(iv) Bail before the Trial Court.

[INDIRA K.JAIN, J.]

dbm/crap2261.16