

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2276 OF 2016

Ashok S/o Shivaji Khetre .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....

Mr. S.B. Talekar, Advocate with Mr. U.R. Awate, Advocate
for the applicant

Mr. C.V. Dharurkar, APP for the respondent-State

.....

CORAM : N.W. SAMBRE, J.

DATE : 23/06/2016

ORAL ORDER :

Heard.

2. The applicant is named as an accused in a complaint narrated by victim Deepak on September 10, 2015, resulting into registration of crime no. 103 of 2015 at Talwada Police Station, Tq. Georai, Dist. Beed for the offences punishable under section 143, 148, 149, 307, 302, 336, 504, 506, 120-B of the Indian Penal Code. In the incident, two victims namely Mahadeo and Yogesh have lost their lives.

3. The role attributed to the applicant as far as the prosecution story is that the applicant assaulted victim Deepak i.e. complainant herein on his head from backside with a knife. According to the applicant, there are no criminal antecedents and the further detention of the applicant is not required, as chargesheet in the matter is already filed. He would submit that the other co-accused are already released on bail and would like to place reliance on the order dated 29/2/2016 passed by this Court in the matter of **Laxman S/o Atchyuttrao Khetre Vs. The State of Maharashtra and others** (Criminal Application No. 1158 of 2016) and other co-accused.

4. Learned A.P.P. opposed the application on the ground that there is evidence depicting *prima facie* involvement of the applicant in the crime in question. He would then submit that the complainant has in clear terms narrated that the applicant has hit him from behind on his head by a knife.

5. Having bestowed my thoughts to the submissions made, it is required to be noted that the injury certificate speaks of the complainant suffering a simple injury to his occipital region, which is claimed to have been caused by a hard, heavy and blunt object. The role attributed in the FIR and other investigation papers to the applicant is to the extent of assault to the complainant and not to the other two victims, namely, Mahadeo and Yogesh.

6. It is then to be noted that the investigation in the matter is already complete and the chargesheet is filed.

7. The applicant at the most could be tried for the offence punishable under section 307 of the Indian Penal Code or such other offence/s, as could be made out on the basis of evidence, i.e. offences punishable under section 324, 326 of the Indian Penal Code.

8. In this background, having regard to the fact that there is no direct role attributed to the applicant in the matter of offence punishable under section 302 of the Indian Penal Code and in view of the above observations, the following order :-

9. The applicant be released on bail in Crime no. 103 of 2015 registered with Talwada Police Station, Tq. Georai, Dist. Beed for the offences punishable under section 143, 148, 149, 307, 302, 336, 504, 506, 120-B 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.

10. The applicant shall not tamper with the prosecution evidence.

11. The applicant shall co-operate in the trial and if it is noticed that the applicant is responsible for protracting the trial, the learned

Sessions Judge will be at liberty to consider the issue of cancellation of bail of the applicant.

12. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-