

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

Criminal Application No. 3627 of 2016

District : Latur

Nilesh @ Hanmant s/o. Vishwnath
Bhande,
Age : 33 years,
Occupation : Agriculture,
R/o. Bansavargaon,
Taluka : Chakur,
District : Latur.

.. Applicant.

versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Chakur,
Taluka : Chakur,
District : Latur.

2. The Superintendent of Police,
Latur, District : Latur.

.. Respondents.

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Mr. Dnyaneshwar J. Patil, Advocate, for the applicant.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 18TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No.
144/2016, for offences punishable under Sections 302,

324, 323, 336, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, by this application, is seeking bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant is falsely implicated in the crime, in question, by the first informant, who is ultimately arrayed as an accused in the crime in question.

3. The learned Addl. Public Prosecutor opposed the application by contending that some witnesses are also naming the present applicant as one of the assailants.

4. Perused the papers of investigation. The incident of murder of Gangadhar Bhosle occurred on 30.04.2016. FIR came to be lodged on 01.05.2016 by Bhimrao Digole. Said Bhimrao Digole alleged that Gangadhar Bhosle was assaulted by Gajanan Jadhav, Nilesh Bhande - present applicant, Kisan Jadhav, Sandipan Jadhav, etc. During the course of investigation, a complaint came to be lodged by witness Dnyanoba Jadhav, who is son-in-law of deceased Gangadhar Bhosle. Dnyanoba Jadhav is an eye witness to the incident, in question, and he is cited as witness in the charge-sheet also. This son-in-law of the deceased had reported another version of the

incident in question. He disclosed to Police that informant Bhimrao Digole along with co-accused had assaulted deceased Gangadhar Bhosle. This witness also disclosed to Police in his statement, that informant Bhimrao Digole assaulted the present applicant. Similar are statements of other witnesses, such as, Bhagwat Jadhav and Gundu Jadhav. Charge-sheet also contains injury certificate of applicant Nilesh Bhande.

5. According to the learned Addl. Public Prosecutor, some witnesses are disclosing that the present applicant had also taken part in the assault. However, it is not pointed out that the present applicant had assaulted deceased Gangadhar Bhosle.

6. At the most, it can be said that there are two versions of the incident in question. However, neither of the version reflects assault by the present applicant on deceased Gangadhar Bhosle.

7. In this view of the matter, further pre-trial detention of the present applicant is not warranted. Hence, the order :-

(i) The application is allowed.

(ii) The applicant / accused, in the above crime, be released on bail, on his executing P.R. Bond in the

sum of Rs. 15,000/- and on furnishing one or more solvent sureties in the like amount.

(iii) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him/her from disclosing such facts either to the Court or to any police officer.

(iv) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial.

(v) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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