

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4559 OF 2016

Pravin S/o. Ramesh Hiwrale,
Age : 26 Years, Occu. : Labourer,
R/o Toki, Tq. Gangapur,
Dist. Aurangabad.

... APPLICANT

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Shilegaon Police Station,
Tq. Gangapur, Dist. Aurangabad.

... RESPONDENT

. . .

Advocate for Applicant : Mr. Sandeep D. Munde.
APP for Respondent / State : Mrs. V. N. Patil (Jadhav).

. . .

CORAM : A. M. BADAR, J.

DATE : 24th AUGUST, 2016.

PER COURT :

1] The applicant / accused in crime No.I-46/2013, registered with Shilegaon Police Station, Tq. Gangapur, Dist. Aurangabad, for offences punishable under Section 307, 394, 302, 411 r/w 34 of Indian Penal Code, by this application, is praying for releasing him on bail.

2] Heard the learned counsel for the applicant / accused. He argues that, initially, nephew of the deceased namely Mangesh

Dnyandeo Alhad was alleged as accused but subsequently, the report under Section 169 of Cr.P.C. was filed against him and the present applicant as well as co-accused were arraigned as accused. The learned counsel further argued that, there is no legal evidence against the present applicant, for the offence under Section 302 of Indian Penal Code and therefore, pre-trial detention of the applicant is not warranted.

3] The learned APP opposed the application by contending that, the crime in question is serious and there is evidence of the recovery from the co-accused.

4] Perused the charge-sheet. Kantabai Sopan Alhad was found injured in the field Gut No.104 of mouje Siresaygaon, on 22.01.2013. Ultimately, she succumbed to injuries on 24.3.2013 and her death is reported to be by septicemia as complication following head injuries. Her husband Sopan had lodged the report of the incident on 25.03.2013 pointing out figure of suspicion towards nephew Mangesh Alhad. Consequently, recovery is effected from Mangesh Alhad.

5] Charge-sheet shows that, on 09.01.2014, in some another crime bearing No.3/2014, for offences punishable under Sections 394 r/w 34 of Indian Penal Code, present applicant and co-

accused were arrested. During their interrogation, they confessed about commission of crime of assaulting, robbing Kantabai on 22.01.2013. This has resulted in submission of report under Section 169 of Cr.P.C. so far as original accused Mangesh Alhad is concerned.

6] Be that as it may, evidence against present applicant, is statement of co-accused Onkar which ultimately resulted in recovery of Mangalsutra of deceased Kantabai from Jeweller Shashikant made who is also co-accused in the crime in question. Apart from this, no other incriminating circumstance can be found against present applicant.

7] Considering the evidence available against present applicant, further pre-trial detention of the present applicant is not warranted and, therefore the order :-

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/- (Rupees Fifteen Thousand) and on furnishing on or more solvent sureties of the like amount.
- iii) As a condition of this Order, applicant shall not extend any threat, inducement or promise to the

persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant / accused shall cooperate for expeditious disposal of the trial.

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

vii] The Application stands disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE