

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

Criminal Application No. 4661 of 2016

District : Jalna

Bhagwat s/o. Maruti Kurdhane,
Age : 32 years,
Occupation : Labour,
R/o. Pande-Pokhari,
Taluka : Partur,
District : Jalna.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Ashti, Taluka : Partur,
District : Jalna.

.. Respondent.

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Mr. S.J. Salunke, Advocate, for the applicant.

*Mr. S.M. Ganachari, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 24TH AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. I-28/2016, for the offence punishable under Section 307 of the Indian Penal Code, registered with Police Station, Ashti, Taluka Partur, District Jalna, by this application, is praying for releasing him on

bail.

2. Heard the learned Counsel for the applicant as well as the learned Addl. Public Prosecutor for the respondent.

3. The learned Addl. Public Prosecutor argued that there are five eye witnesses to the incident of murderous assault on victim Rakhmaji Ukande by the present applicant. He argued that the assault by Koyata and site of injuries shows intention of the applicant to commit murder of Rakhmaji. Hence, according to the learned Addl. Public Prosecutor, the applicant is not entitled for bail.

4. Perused the charge-sheet. The incident in question took place on 17.04.2016. Statements of injured Rakhmaji as well as eye witnesses goes to show that when the injured was purchasing watermelon, present applicant came from behind and assaulted him by Koyata on head and neck. Cause of the assault is stated to be alleged illicit relations of the injured with wife of the present applicant.

5. Perusal of the injury certificate filed with the charge-sheet shows that the applicant has suffered injuries on his head, neck and forearm. Injuries are stated to be simple in nature by the Medical Officer. The injured is reported to be

discharged from the hospital on 21.04.2016. As such, there is no possibility of aggravation of the crime.

6. Considering the nature of offence and as there is no material to point out that the applicant will not be available for trial, if released on bail, his pre-trial detention is not warranted. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant, 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 of the like amount.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) 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.

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

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

(A.M. BADAR)
JUDGE

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