

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

Criminal Application No. 4780 of 2016

District : Aurangabad

Sunil Ramchandra Bobde,
Age : 31 years,
Occupation : Agriculture,
R/o. Rajura,
Taluka : Gangapur,
District : Aurangabad. .. Applicant.

versus

The State of Maharashtra,
through Waluj Police Station,
Taluka : Gangapur,
District : Aurangabad. .. Respondent.

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*Mr. B.R. Kedar, Advocate, holding for
Mr. Shankarrao G. Shinde & Mr. Prashant S. Shinde,
Advocates, for the applicant.*

*Mr. S.J. Salgare, Addl. Public Prosecutor, for
the respondent.*

*Ms. Savita P. Kakade (Matkar), Advocate, for the
original complainant.*

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CORAM : A.M. BADAR, J.

DATE : 19TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. I-
106/2016 for the offence punishable under Section 307

of the Indian Penal Code, registered with Police Station, Waluj, District Aurangabad, by this application is seeking bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the Government Hospital had not issued any injury certificate in respect of the informant. The learned Counsel further argued that medico-legal case papers annexed with the charge-sheet are not naming the applicant as assailant. The learned Counsel further argued that in the injury certificate issued by Shradha Hospital, Aurangabad, history given by the victim is shown to be history of assault by somebody. The learned Counsel further argued that statement of Dattatray Bobde, who is also named in the FIR as a person who approached the victim first in point of time, is also not corroborating the FIR.

3. The learned Addl. Public Prosecutor and the learned Counsel for the informant opposed the application by contending that injury certificate shows that prima facie the applicant was having intention as well as knowledge of committing murder of the victim. The learned Addl. Public Prosecutor further argued that statement of the victim is further corroborated by statements of several witnesses and therefore no case for bail is made out

as the offence is punishable with life imprisonment.

4. Perused the charge-sheet. According to the prosecution case, the applicant had called informant Suraj Ramhari Sawant at his house in the field. The FIR itself reflects that the informant had been to the field of the applicant after purchasing a bottle of liquor. According to the prosecution case, in the field of the applicant, he as well as the informant consumed liquor and thereafter there was quarrel between them. According to the informant, the applicant quarreled with him by making allegations that the informant has illicit relations with his wife. On that reason, the applicant then assaulted the informant by means of axe and after tying him to the motorcycle, dragged him to a long distance.

5. Injury certificate of the informant issued by Shradha Hospital, Aurangabad, shows that the informant had suffered two fracture injuries apart from abrasions and contused lacerated wound. History of assault by somebody seems to have been disclosed by the informant to Shradha Hospital, Aurangabad. Documents of the medico-legal case are not naming the applicant as assailant.

6. Be that as it may, considering the fact that now the investigation is over and charge-sheet is also filed, further pre-trial detention of the

applicant is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 25,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant shall abide by the following directions :-

(i) 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.

(ii) 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 against him.

(iii) 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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