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

CRIMINAL APPLICATION NO. 6077 OF 2015

Ashok S/o Dattatraya Gade ...APPLICANT

VERSUS

The State of Maharashtra ...RESPONDENT

Mr Ganesh Shinde, Advocate holding for Mr P. S. Anerao, Advocate for applicant;
Mr A. S. Shinde, Addl. Public Prosecutor for respondent;
Mr R. D. Sanap, Advocate to assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 28th January, 2016

ORDER :

Heard learned Counsel for respective parties.

2. By the present application, the applicant is seeking pre-arrest bail, in connection with C.R. No.320 of 2015, registered with Police Station, Newasa, for offence punishable under section 306 read with section 34 of the Indian Penal Code.

3. The incident is alleged to have taken place on 26th October, 2015, for which first information report has been lodged on 29th October, 2015. The first information report does not depict any reason for delay of about three days.

4. The applicant is sought to be involved in commission of the crime in

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question merely on the basis that surname “Gade” was found to be written on the palm of the victim – deceased Tejaswini. It is not in dispute that there are total five persons by surname “Gade” available in the school, including that of the applicant. The only aspect connecting the applicant with the crime in question is his surname.

5. Although this Court had granted time to the Investigating Officer on several occasions, to place on record the report of the Handwriting Expert, yet till date such report is not produced.

6. The first information report depicts that the role ascribed to the applicant and his involvement in commission of the crime is out of suspicion. The suspicion howsoever strong may be, in my opinion, it will be inappropriate to connect the present applicant, who is in a pious job of teaching, with the crime in question, particularly in absence of criminal antecedents or any material in investigation connecting him with the victim or crime.

7. Apart from above, there are hardly any incriminating circumstances to connect the applicant with the crime in question. First information report speaks of only suspicion against the applicant.

8. In the light of above, in my opinion, it will be appropriate to order release of the applicant on pre-arrest bail. I, therefore, pass following order :-

(3)

In the even of arrest of the applicant, in connection with C.R. No.320 of 2015, registered with Police Station, Newasa, for offence punishable under section 306 read with section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall attend the concerned police station, initially on 13th and 14th February, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called for by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj