

(1)

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

CRIMINAL APPLICATION NO.6504 OF 2015

Shivaji Bhau Date ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.6511 OF 2015**

Govind Baban Shinde ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr R.R. Karpe, Advocate for applicants;
Mr U.S. Mote, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th January, 2016

ORDER :

By these applications under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.I-384 of 2015, registered with Parner police station, Dist. Ahmednagar, for offence punishable under section 302 of the Indian Penal Code.

2. The incident is alleged to have taken place on 21st October, 2015, for which first information report came to be lodged on 4th November, 2015.

(2)

3. Learned Counsel appearing on behalf of the applicants would urge that apart from unexplained delay of about fifteen days in lodging the first information report, the applicants were involved in the crime in question only on suspicion. Learned Counsel submits that the applicants were subjected to custodial interrogation, however, nothing incriminating could be recovered or collected during the investigation against them. He would urge that the applicants are falsely implicated in the crime in question and, therefore, they are entitled to be released on bail.

4. Learned Addl. Public Prosecutor has strenuously opposed the application on the ground that the statements of the witnesses speak of illicit relations between the victim Mahadu and the wife of the applicant Shivaji. According to him, there are strong incriminating circumstances, which connect both the applicants in commission of the crime.

5. Upon perusal of the first information report and other investigation papers, it is noted that on the date of his death Mahadu had left his house for removing the stitches given to the injury earlier suffered by him near his right ear. Though Mahadu had recovered the said injury and was in a fit state of mind, had not narrated such injury and the person responsible for the same to his family members. Apart therefrom, motorcycle which Mahadu was riding was noticed on the bridge, whereas his body was found to be lying under the bridge.

(3)

6. In view of above background, involvement of the applicants, based on the circumstances, in my opinion, does not warrant their further detention. Thus, the applicants are entitled to be released on bail. I, therefore, pass following order :-

The applicants be released on bail, in connection with C.R. No.I-384 of 2015, registered with Parner police station, Dist. Ahmednagar, for offence punishable under section 302 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj