

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

929 CRIMINAL APPLICATION NO. 1254 OF 2017

BALIRAM S/O BAPURAO SHINGADE
VERSUS
THE STATE OF MAHARASHTRA

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. S.M. Ganachari, Additional Public Prosecutor, for respondent.

Coram: T.V. NALAWADE, J.

Date: 21 March 2017

ORDER:

1) This is second application for relief of bail. The previous application was withdrawn when this Court was not inclined to grant bail and that happened on 31-8-2016. In view of this circumstance, it was necessary for the applicant to show that there has been change in circumstances. Both the sides are heard.

2) This Court has again gone through the material collected against the applicant. There is eye witness like Radhabai who is daughter-in-law of the present applicant.

The incident in question took place on 15-3-2016. She and the deceased mother of Radhabai were sitting in front of the house of the applicant. There was some dispute and after seeing Radhabai and her mother, the husband of Radhabai and present applicant became angry. In the FIR it is mentioned that they picked up quarrel and then Kumar, brother-in-law of the complainant, gave blow of axe on her head. In the FIR it is mentioned that her mother was assaulted by the present applicant and husband of the complainant namely Siddheshwar by using axe on her head. Post mortem report shows that Shobhabai died due to head injury. The papers of investigation show that weapon stick is shown to be recovered on the basis of statement given by the applicant under section 27 of the Evidence Act. The death took place on the spot.

3) It can be said that the aforesaid material was considered by this Court in the past when the Court was not inclined to grant the relief of bail. It can be said that bail was granted to Siddheshwar, husband of the complainant by presuming that fatal blow on the the head

of the deceased was not given by Siddheshwar. In view of these circumstances now it cannot be said that the fatal blow was not given by the applicant on the head of the deceased. The complainant is daughter-in-law of the present applicant and there is possibility of tampering with prosecution witnesses from the present applicant.

4) Learned counsel for the applicant submitted that many witnesses are cited in the charge sheet and so it is not possible that in near future the case will be decided. This Court holds that on the basis of the said circumstance bail cannot be granted as there are other possibilities like tampering with the witnesses. The present applicant used the weapon against an old lady and he caused death of the old lady. In view of these circumstances this Court holds that the circumstances have not changed. It is not a fit case to grant the bail. The application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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