

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

8 CRIMINAL APPLICATION NO. 1292 OF 2017

BABURAO MAHADEV GHADSING AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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

Shri. R.V. Dasalkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 21 March 2017

ORDER:

1) The application is filed for bail. Learned counsel for the applicant submitted that this is the first application filed for bail in this Court. Charge sheet is filed and so the papers of investigation were made available to this Court. Heard both the sides.

2) The crime was registered on the basis of report given by Vimal, the mother of deceased Santosh. Allegations are made that about 4 years prior to the date

of incident, the complainant Vimal was assaulted by Balu Ghadsing, son of the applicant No.1 and brother of applicant No.2 and due to that a criminal case was filed against accused Balu. Balu was after Santosh and Balu was insisting that he should withdraw the case. Few days prior to the date of incident he had assaulted Santosh by using axe. Report was given in respect of that incident also against Balu.

3) The incident in question took place on 29-7-2016 after 9.00 p.m. Balu went to the house of the complainant and Santosh. After knocking the door gave calls to Santosh. To avoid the quarrel Santosh did not open the door. When knocking of the door was stopped, Santosh felt that Balu had left the place and so he opened the door and came out of the house and when he was confirming that Balu was not there, Balu emerged from dark and all of sudden he assaulted Santosh by using knife. Santosh collapsed there. This incident was witnessed by Vimal and widow of Santosh. Santosh succumbed to the injuries.

4) In the F.I.R. and in the statements given by widow of Santosh they have contended that Balu assaulted Santosh due to instigation of present applicants. There is virtually no other material against present applicants. In view of nature of allegations made against the present applicants by the mother and widow of the deceased and in view of the aforesaid circumstances this Court holds that it is not desirable to keep the applicants behind the bars till the disposal of the case. It is not certain as to how much time will be required for disposal of the case.

5) In the result, the application is allowed. Both the applicants are to be released on bail in connection with Crime No.169/2016 registered in Majalgaon (Rural) Police Station, District Beed for offences punishable under sections 302 read with 34 of the Indian Penal Code on their executing P.B. and S.B. of Rs.25,000/- by each of them. The applicants are not to tamper with the prosecution witnesses. They are not to commit similar offences.

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

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