

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

Criminal Application No. 01296 of 2017

District : Hingoli

Gajanan s/o. Ramrao Kadam,
Age : 35 years,
Occupation : Agriculture &
Milk Business,
R/o. Kondha,
Taluka Ardhapur,
District Nanded.

.. Applicant.

versus

The State of Maharashtra,
Through Basmat Police Station,
Basmat, Taluka Basmat,
District Hingoli.

.. Non-applicant.

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Mr. M.V. Ghatge, Advocate, for the applicant.

*Mr. R.V. Dasalkar, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALAWADE, J.

DATE : 30TH MARCH 2017

ORAL ORDER :

By the present application, the applicant
- accused seeks his release on bail in connection
with Crime No. 30/2017 registered with Basmath
Police Station, District Hingoli, for offences
punishable under Section 306, read with Section
34 of the Indian Penal Code.

02. Both the sides are heard.

03. During the course of arguments, learned Advocate for the applicant submitted this is the first application for bail by the applicant before this Court.

04. The crime is registered on the basis of report given by Ramprasad s/o. Limbaji Pawar, brother of deceased Shivaji. Deceased Shivaji was friend of the present applicant. Shivaji committed suicide by hanging himself. Deceased Shivaji has left behind a suicide note wherein he has stated that he had given hand loan of Rs. 2,00,000/- to the present applicant but the applicant did not return the amount of hand loan and he was giving threats when deceased was making demand of money. This amount was procured by the deceased by mortgaging his land. He had taken amount of Rs. 4,00,000/- by mortgaging the land and the persons, from whom the amount was taken by him, were also harassing him. Shivaji committed suicide on the night between 30.01.2017 and 31.01.2017 by hanging himself in the field of one Satyanarayan Kabra. In the suicide note, he has blamed the present applicant as the applicant did not return the amount of hand loan taken from

the deceased.

05. Submissions made on behalf of the applicant show that the applicant is behind bars since 02.02.2017. Considering the nature of allegations and aforesaid material and as it is not certain as to how much time trial of the case, if any, will take, this Court holds that the applicant is entitled to be released on bail during pendency of the trial, if any, against him.

06. In the result, the Application is allowed.

The applicant - accused, in the above crime, is directed to be released on bail, on his executing P.B. & S.B. of Rs. 15,000/- [Rupees fifteen thousand], on the following conditions :-

(i) The applicant shall give his address of residence and contact number to the concerned Police Station at the time of his release on bail.

(ii) The applicant shall not contact any of the prosecution witnesses and he shall not tamper with the

prosecution evidence in any manner
whatsoever.

(iii) The applicant shall not indulge
in commission of similar offences.

(iv) The applicant shall attend the
trial of the case, if any, against
him, on the dates fixed by the trial
Court.

(T.V. Nalawade)
JUDGE

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