

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

CRIMINAL APPLICATION NO. 2798 OF 2017

- 1 Sharad Govind Khile, Age 29 ... **Applicants**
years, Occ. Agriculture.
- 2 Deepak Govind Khile, Age 38
years, Occ. Agriculture.
Both R/o. Anakwadi, Tq. & Dist.
Dhule.

VERSUS

The State of Maharashtra, ... **Respondent**
Through Dhule Taluka Police
Station, Tq. & District Dhule.

Mrs. R. S. Kulkarni, Advocate for the applicants
Mr. A. R. Borulkar, APP for the respondent/State.

CORAM : K. L. WADANE, J.

DATE : 31st JULY, 2017

ORDER:

1. Heard Mrs. Kulkarni, learned counsel
appearing for the applicants and Mr. Borulkar,
learned APP appearing for the respondent-State.
2. The first informant Prathwiraj Chavan lodged

a complaint to the police station alleging that, on 18.01.2016 at about 21.30 hours the informant and his father Pitambar were proceeding on a way of village Anakwadi, at that time, present applicants, one Nandu Khile and other 10 to 12 persons assaulted the informant and his father by means of sticks, iron rod, in which the informant sustained injuries on his right hand and all over his body. His father sustained head injury. The above named persons assaulted informant by means of iron rod and they have tried to commit his murder and have committed murder of his father Pitambar.

3. On perusal of the contents of the first information report it appears that, the role attributed to the present applicants is very specific and also narrated by eye witness Anna Sarode who appears to be an independent witness. On perusal of the contents of the postmortem report, it appears that, injuries No. 3 to 6 caused to Pitambar were due to assault by applicant No. 1 and injuries No. 14 to 17 are caused due to assault by applicant No.2 Sharad.

4. Mrs. Kulkarni learned counsel further submits that, another accused who has similar role was already released on bail by this Court. However, on perusal of the order passed by this Court in respect of bail of Nandu Khile it appears that, the CCTV footage has been considered and on the basis of that it was prima-facie held that accused Nandu was not present at the spot. Present applicants filed Criminal Application No. 5591 of 2016 for bail and it was withdrawn with liberty to file fresh, in case the trial does not commence within a period of six months from 02.12.2016.

5. From the copy of Roznama it appears that, the trial was adjourned some time on account of adjournment application given by the other accused persons and now the trial is pending for framing of charge and it is posted on 05.08.2017. Since there is sufficient material appearing against the present applicants, I am of the opinion that, the applicants are not entitled for bail. Therefore, the same is rejected however, direction is given to the learned Additional Sessions Judge to dispose of the trial

within a period of six months from today.

6. With this direction, criminal application is disposed of.

(K. L. WADANE, J.)

mkd/-