

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1047/2019

Vilas s/o Rajaram Dhadve and anr. .vs. State of Maharashtra through PSO
P.S. Risod, Dist. Washim

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for applicants.
Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 28, 2019

Heard Mr. Sirpurkar, learned counsel for applicants and Mr. Thakare, learned A.P.P. for non applicant-State. Also perused the charge-sheet.

The applicants are arrested on 09.03.2019 and 02.05.2019 in connection with Crime No. 7/2019 registered with Police Station, Risod, Tq. Dist. Washim for an offence punishable under Section 143, 147, 148, 302, 506 of the Indian Penal Code.

It would be useful to refer to the observations made by this Court in order dated 30.09.2019 passed in Criminal Application No.592/2019 filed by Sandip Dhadve. Entire case of the prosecution was scrutinized by this Court and after scrutinizing medical papers of deceased Madan, prima facie, it was opinion of this Court that death of the deceased might not be homicidal one in view of the fact that the death was chronic alcoholic.

Further, one of the accused was already released on bail by this Court (Coram: Manish Pitale, J.) on 14.08.2019.

In my view, present application can be disposed of in view of the observations made by this Court in Criminal Application No. 592/2019 dated 30.09.2019 in respect of the nature of death itself.

I have also observed in order dated 30.09.2019 that the observations of this Court are prima facie in nature and it will always be open for the prosecution to prove that death was homicidal one. In the said order, it was also observed that learned Judge of the Court below, before whom the trial will be conducted, shall not get influenced by any of the observations made by this Court while conducting the trial.

Since, investigation is over and charge-sheet is already filed and looking to the observations of this Court in order dated 30.09.2019, I am of the view that application can be granted. Hence, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant no.1-Vilas s/o Rajaram Dhadve and applicant no.2-Gopal s/o Ashok Dhadve be released on bail in connection with Crime No.7/2019 registered with Police Station, Risod, Tq. Dist. Washim for an offence punishable under Section 143, 147, 148, 302 and 506 of the Indian Penal Code, on they executing P.R. bond in the sum of

Rs.15,000/- each with one solvent surety each in the like amount.

(iii) The applicants are directed to attend Police Station, Risod once in a month i.e. on last Sunday of every month until culmination of the trial.

The application is disposed of.

JUDGE

kahale