

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 46 OF 2021

Sahebrao S/o Manohar Abhang,
Age 33 years, Occu. Nil,
R/o. Matade Mala, Sukewadi Road,
Sangamner, Taluka Sangamner,
District Ahmednagar. .. Applicant

Versus

The State of Maharashtra
Through the Police Inspector,
City Police Station, Sangamner,
Taluka Sangamner, District Ahmednagar .. Respondent

....
Mr. K. N. Shermale, Advocates for applicant
Mr. V. M. Kangne, APP for respondent – State
...

CORAM : MANGESH S. PATIL, J.

DATE : 19.06.2021

PER COURT :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 by the sole accused from the Crime No. 1064 of 2020 registered with Sangamner City Police Station, Sangamner, District Ahmednagar for the offence punishable under Section 302 of the Indian Penal Code.

2. The applicant is being charged for batricide, committing murder of his brother residing with him under the same roof. The allegations are to the effect that since after the applicant had turned

blind, his wife and children had deserted him. It was his version that they had left him only because the deceased brother was consistently quarreling with his wife. It is alleged that the applicant had several times disclosed his intention and executed it by killing the deceased with knife in the night in their residence. It is being alleged that soon after the incident, he had also knocked the door of the informant, who happens to be his father, confessed that he had already finished one and would finish the rest. He was arrested and has been in jail since 23rd July 2020.

3. I have heard learned Advocate for the applicant, learned APP for respondent-State and perused the papers of investigation.

4. Admittedly, the charge-sheet has been filed. In the normal course, since the offence of murder is punishable with death, the Court would have inhibition in granting bail.

5. However, the matter in hand seems peculiar. As can be seen from the arrest panchnama and as is the prosecution version, the applicant is blind by both eyes. If this be so, when he has already been in jail since almost eleven months and when the trial is not likely to get over in near future for variety of obvious reasons, it would be appropriate that by taking precaution to obviate any further escalation, the applicant is granted bail.

6. In this respect, learned Advocate for the applicant on instructions submits that the applicant's wife, who resides at Babhaleshwar, Taluka Rahata is ready to cohabit with him at Babahleshwar and to look after him, if he is released on bail. Needless to say that in that contingency further escalation would be certainly avoided.

7. The bail application is allowed. The applicant shall be released on bail in connection with Crime No. 1064 of 2020 registered with Sangamner City Police Station, Sangamner, District Ahmednagar, for the offence punishable under Section 302 of the Indian Penal Code on executing a personal recognizance for an amount of Rs.15,000/- (Rs. Fifteen Thousands Only) and furnishing solvent surety in the like amount subject to following conditions -

- (a) The applicant shall not enter into Sangmner Taluka except for attending the trial, till its conclusion.
- (b) He shall not tamper the evidence or influence the witnesses.
- (c) He shall attend the trial regularly.

8. Bail before the trial Court.

(MANGESH S. PATIL)
JUDGE