

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

918 BAIL APPLICATION NO.258 OF 2021

Shrikrishna alias Bablu S/o Chaitram Koli

Age: 28 years, Occu.: Labour,

R/o.Paldhi (Khurd),

Tq.Dharangaon, Dist.Jalgaon.

..Applicant

VERSUS

The State of Maharashtra,

Through Dharangaon Police Station,

Tq.Dharangaon, Dist.Jalgaon.

..Respondent

...
Advocate for Applicant : Shri Parikshit P. Dawalkar
APP for Respondent : Shri P.G.Borade
...

CORAM : M.G.SEWLIKAR, J.

DATE: 14th October, 2021

PER COURT:-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.153 of 2019, registered with Dharangaon Police Station, Dist.Jalgaon, under Sections 302, 323, 504 read with 34 of the Indian Penal Code

2. It is the allegation against the applicant that on 27th November, 2019 at 09:00 a.m., applicant went to the house of the informant and said to the informant that the son of the

informant by the name of Dnyaneshwar (deceased) was heavily drunk and was creating ruckus. Thereupon, the informant (father of the deceased Dnyaneshwar) and his wife Smt.Nalini went to the handcart of Dnyaneshwar. Dnyaneshwar was there and he had said that the applicant and Baliram Kumbhar were demanding money from him for bringing liquor and since Dnyaneshwar refused to pay money, applicant and Baliram Kumbhar beat him. He also learnt that there was a quarrel between Dnyaneshwar on one hand and applicant and Baliram Kumbhar on the other hand. A little while later, the applicant again came home and asked about Dnyaneshwar.

3. It is further alleged that on 28th November, 2019 at 01:30 a.m. in the night, Police came to his home and informed him that Dnyaneshwar was dead. The informant and his wife saw the dead body. The dead body was of deceased Dnyaneshwar. He had injuries on his forehead and mouth. By the side of the dead body one rod was lying. He expressed suspicion on applicant and Baliram Kumbhar.

4. Heard Shri P.P.Dawalkar, learned counsel for the applicant and Shri P.G.Borade, learned APP for the respondent-State.

5. Charge-sheet is filed. On perusal of the papers annexed with the application and the papers produced by the learned APP it is seen that there is no direct evidence against the applicant. None of the witnesses has stated that they had seen the incident. Learned APP for the respondent-State submits that the rod which was lying beside the dead body used to be with the applicant. He submits that witnesses have stated that this rod was with the applicant. Simply because this rod was with the applicant does not mean that he is author of the crime. On the basis of this scanty evidence, applicant cannot be detained behind the bars for an indefinite period. In view of this, I am inclined to release the applicant on bail. Hence, the order.

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount, in connection with Crime No.153 of 2019, registered with Dharangaon Police Station, Dist.Jalgaon, under Sections 302, 323, 504 read with Section 34 of the Indian Penal Code.
- iii) Bail Application is disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT