

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

**BAIL APPLICATION NO.359 OF 2022
WITH
CRIMINAL APPLICATION NO.1005 OF 2022**

Ramchadra S/o Maruti Yedage

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mrs.Charuta S. Deshmukh Advocate for Applicant.
Mr.A.A. Jagatkar, A.P.P. for Respondent-State.
Mr.Nitin S. Salunke Advocate for applicant in Criminal
Application No.1005 of 2022 for assist to APP.

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CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 5th MAY, 2022

ORDER :

1. Criminal Application No.1005 of 2022 moved for assist to APP stands allowed and disposed of.
2. The applicant has been arrested on 22nd October 2020 in connection with Crime No.306 of 2020 registered with Naldurg Police Station, District-Osmanabad for the offence punishable

under Sections 302, 504, 506 read with Section 34 of the Indian Penal Code.

3. Heard learned Advocate Mrs. Deshmukh for the applicant and learned APP Mr. Jagatkar for the respondent – State well assisted by learned Advocate Mr. Nitin Salunke for the applicant in Criminal Application No.1005 of 2022.

4. Perusal of the documents would show that charge-sheet came to be filed on 13th January 2021 and the learned Advocate for the applicant is submitting that the charge is also framed.

5. The First Information Report as well as other papers on the charge-sheet show that informant Dhanaji Gawali is eye witness. It is stated that both the accused persons i.e. including the present applicant in furtherance of their common intention had killed deceased Laxman by using stones at about 1.00 p.m. on 21st October 2020. There are other eye witnesses also to the incident, namely Satish Yadav, Balaji Patil, Alka Shinde and Datta Shinde. The postmortem report shows that there were 12 surface wounds mentioned in Column No.17 and there appears to be corresponding internal injuries. The probable cause of death is “due to haemorrhagic shock due to multiple CLW over

head by hard and blunt object like stone.” The corroborating piece of evidence appears to be the spot panchnama, and from the spot itself the stone has been recovered. Therefore, with such direct evidence there appears to be prima facie case and now in view of prima facie case charge is also framed. Therefore, there is no question for grant of discretionary relief. However, taking into consideration the evidence on record, making the case time bound would be in the interest of justice.

6. The Application stands rejected.

7. The learned Additional Sessions Judge-2, Osmanabad to expedite Sessions Case No.9 of 2021 and dispose it of on merits as early as possible, preferably within eight months from the date of receipt of the writ from this Court. If at all the trial does not get over within eight months, then in that case liberty is granted to the applicant to approach this Court.

[SMT. VIBHA KANKANWADI , J.]