

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.486 OF 2022

DINESH S/O BABRUWAN PAWAR
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. G. K. Naik Thigle
APP for Respondent-State : Mr. A. M. Phule
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 25-04-2022

ORDER :

1. Present applicant has been arrested on 08-12-2018 in connection with Crime No.424 of 2018, registered with Omerga Police Station, District Osmanabad, for the offence punishable under Section 302, 307, 323, 504, 506 of IPC.
2. Heard learned Advocate Mr. G. K. Naik Thigle for applicant and learned APP Mr. A. M. Phule for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. After the investigation, the charge-sheet has been filed on 03-03-2019. The FIR clearly show that the applicant was the only person who was in the room where deceased was found dead and the dispute

between the deceased and the applicant was heard by the informant. The informant has also stated that the present applicant was having grudge against the deceased and had expressed before the informant that the deceased should be eliminated. No doubt, the informant also states that the deceased was also assaulting the present applicant, but the hammer with which the blows were given on the head of the deceased, is by the present applicant. The circumstantial evidence is also against the present applicant. The discovery of the hammer is at the behest of the present applicant under Section 27 of the Indian Evidence Act. The treatment papers of the deceased have also been collected which shows that there was Hemorrhagic contusions with surrounding mild edema at right inferior temporal, inferior frontal, left parietotemporal, left occipital regions. The cause of death as per the post mortem report is head injury. Therefore, there is prima facie evidence against the present applicant. The Roznama of Sessions Case No.7 of 2019 would show that the charge is framed and since 29-09-2021 the evidence is being recorded. The daily status of the case have also been produced by the police which show that about five witnesses have been examined. The list of witnesses show that there are 22 witnesses, of course all may not be examined. Under such

circumstances, when there is evidence, this is not a fit case where applicant should be released on bail. However, liberty is required to be given to the applicant to move this Court for bail if the trial does not get completed within eight months from the date of receipt of writ regarding this order. Hence, following order.

ORDER

- 1) Application stands rejected.
- 2) Liberty is granted to the applicant to move this Court if the trial does not get over within eight months from the receipt of the writ to the Trial Court.

**(SMT. VIBHA KANKANWADI)
JUDGE**

vjg/-.