

CNR : MHLA01-003438-2019.
Sessions Case No. 88/2019.
State Versus Jogindar & ors.

COMMON ORDER BELOW EXHS.59 & 64.

1. Initially the applicant/accused No.1 moved application (Ex.59) under Section 439 of the Code of Criminal Procedure, 1973 and pending the said application, he filed another application (Exh.64) pursuant to the directions contained in High Power Committee report dated 10.05.2020.

2. The applicant along with other four co-accused came to be arraigned for the offence punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860, registered with Shivaji Nagar Police Station, Latur vide crime No.230/2019.

3. The other co-accused persons came to be released on bail including the main accused i.e. accused No.3 Pinkykaur vide order below Exh.8 dated 23.10.2019.

4. From perusal of the charge-sheet, it transpires that the applicant who happens to be younger brother of co-accused No.3 and other co-accused administered alcohol to the deceased Bhavdasing Shersing Junni. Said Bhavdasing was the husband of accused No.3. After administering

alcohol, the applicant and other co-accused threw said Bhavdasing into the well.

5. In the postmortem report the opinion about probable cause of death was reserved, till receipt of all the reports. However, in the final opinion, the Medical Officer opined that the death was caused due to drowning with the evidence of alcohol detected in blood and viscera. Needless to state here that the entire case is resting on the circumstantial evidence. Moreover, main accused i.e. accused No.3 Pinkykaur, who is widow of deceased Bhavdasing, came to be released by my predecessor vide order below Exh.8 dated 23.10.2019. Having regard to the role allegedly played by the applicant, he is entitled to seek benefit of the parity, as he has been languishing in jail since 03.06.2019. The applicant, therefore, deserves to be released on bail, as there is no likelihood of his fleeing away from the course of justice. Hence, I pass the following order.

ORDER

1. The applications (Exhs.59 and 64) are allowed.
2. The applicant Jogindar Sonsing Tak be released on bail on his furnishing P.B. & S.B. of Rs.15,000/-.
3. The applicant shall not tamper or hamper prosecution evidence, in any manner, whatsoever.

4. The applicant shall not enter jurisdiction of Latur Municipal Corporation, till further order, except for attending court proceedings.
5. The applicant is directed to attend Police Station, Nilanga on every Monday and Friday and Police Station Officer of the said Police Station is directed to effect entry of his appearance scrupulously.
6. The copy of this order be supplied to Police Station Officer, Nilanga.

Date : 26.05.2020.

**(R.S. Tiwari)
Sessions Judge, Latur.**
