

Sessions Trial No. 07/2016
Order On Bail Applications Below Exh. 17 & 20
Dated : 06/05/2016

1. This is an application filed by applicants for releasing them on bail under section 439 of Cr.P.C. in an offence punishable under section 302 r/w 34 of IPC registered with PSO, Wardha(city), vide Crime No. 479/2015.
2. Perused the bail application, say filed by the prosecution. Heard learned counsel Shri. S. P. Sinha for the applicant and learned PP Shri A. H. Sabane for the prosecution. Case of the prosecution as reveals from the charge sheet and reply filed by prosecution reveals that incident is dated 15/09/2015, when grand mother of reporter namely Janabai was alone at home. At around 11.30pm two boys were speaking in loud voice in front of house of Janabai. Janabai objected those boys, on that those boys assaulted Janabai by kick and fist blows. On the next day Janabai was admitted in hospital and on 18/09/2015 Janabai succumbed to injuries.
3. According to prosecution, on witness Sk. Naushad Sk. Usman, Guddu Tiwari and Akshay Shambharkar were present in the square at the time of incident and they heard screaming of Janabai and saw that accused were coming from the house of Janabai. Even according to prosecution accused had not used any weapon in the alleged incident, in which Janabai sustained injuries succumbed to death.

4. Since last one year accused are in jail. Trial is yet to begin. Trial will takes its own time to decide the guilt or otherwise of the accused. In such circumstances, no purpose will be served further detention of accused. Hence, applicants are entitled to release on bail. Apprehension of prosecution can be safeguarded by imposing necessary conditions. Hence, the following order is passed :

Order

- 1) The applications are hereby allowed.
- 2) Applicants be released on bail on executing PB & SB of Rs. 25,000/- each for the alleged offence.
- 3) The applicants shall not directly or indirectly make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade them from disclosing such facts to the Court or to the police.
- 4) The applicants are directed to attend each and every date of court and to co-operate for the early disposal of trial.

Wardha
Dt.03.10.2016

(A.M.Chandekar)
Addl. Sessions Judge, Wardha.