

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

Criminal Application No.1326 of 2015

Pandhari Hari Kumbhar
And Another.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Pathan Zareefkhan Y. Advocate, for applicants.

Smt. R.K. Ladda, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 13th APRIL 2015

ORDER:

1) This is second application for bail. Previous application bearing Criminal Application No.175 of 2015 was withdrawn when this Court, after hearing exhaustively learned counsel for the applicants, had expressed that this Court is not inclined to grant the relief. The previous application was disposed of on merits. Both the sides are heard.

2) The learned Additional Public Prosecutor submits that there is nothing to show that the circumstances have changed and so the application cannot be considered. For the satisfaction of the learned counsel for the applicants, this Court heard him again. The case is filed against the applicants for offences punishable under sections 302, 452, 504, 34 of the Indian penal Code. There is material like dying declaration of deceased Kamlesh Baviskar who had made specific allegations against the applicants that they set fire to him after pouring kerosene on his person. There is also statement of his mother. There is spot panchanama. The circumstances are consistent with the dying declaration. The accused are neighbours of the deceased. There is possibility of tampering with the prosecution witnesses. There is no change in circumstance. The application is rejected. The trial Court is expected to dispose of the case within six months from the date of receipt of the order.

Sd/-
(T.V. NALAWADE, J.)

rs1