

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 1471 OF 2015
IN APEAL/288/2015 WITH APEAL/288/2015**

GULAB RAYAPPA BIRAJDAR (BHOSALE) AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Sapkal V.D.
APP for Respondent/State : Mr. B.L. Dhas

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.
Dated: June 17, 2015

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PER COURT :-

Heard the learned counsel appearing for the applicants. He submits that, all the applicants – accused are not named in the First Information Report. He further invited our attention to the Exhibit – 54 spot panchanama and Exhibit – 64 seizure panchanama of motorcycle, the cross examination of PW-5 and also injuries sustained by the deceased and submits that, the same would suggest that, the death was accidental and even injured witnesses sustained the injuries in an accident. Therefore, according to the learned counsel appearing for the applicants, the applicants deserve to be released on bail.

2. We have considered the submissions advanced by the learned counsel appearing for the applicants. We have perused the findings recorded by the trial Court and,

in particular, paras 15 and 16 thereof. Prima facie, the findings recorded by the trial Court are sustainable, in as much as, the injured witness namely Amol Kamble has named the applicants in his evidence. The applicants were not on bail during the trial.

3. For the reasons aforesaid, we are not inclined to consider the application. Hence same is rejected.

4. Registry to send back the original record and proceedings to the Court of Additional Sessions Judge, Omerga. The concerned Court is directed to prepare the paper book and sent it back to this Court along with original record and proceedings, as expeditiously as possible, however, preferably within four months from today.

(**A. I. S. CHEEMA, J.)**

(**S.S. SHINDE, J.)**

sga/-

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