

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

**CRIMINAL APPLICATION NO. 4847 OF 2015
IN
CRIMINAL APEAL/707/2015**

1. DATTARAO S/O MANCHAKRAO AMBHORE
2. GHANSHYAM SUNDARRAO AMBHORE
3. SUDARSHAN SUNDARRAO AMBHORE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. P.S. Paranjape
APP for Respondents: Mr. V. M. Kagne

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CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ.
Dated: October 27, 2015

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PER COURT :-

1. This application is pressed only for applicant No.2- Ghanshyam Sundarrao Ambhore. Application of applicant No.1- Dattarao Manchakrao Ambhore and 3) Sudarshan Sundarrao Ambhore is allowed to be withdrawn. Liberty is given to them to file fresh application at appropriate time.

2. We perused the record and found that in this case of murder, lethal blow was apparently delivered by the applicant No.1 Dattarao. He was accompanied at the time of assault by other two applicants. It has come in evidence that, the applicant No.3 Sudarshan used a stick for assaulting the deceased whereas the applicant No.2 - Ghanshyam was not armed with any weapon and he attacked the complainant and dragged him out of bullock cart. There is no other evidence against the applicant No.2 Ghanshyam. During the trial he was on bail. Learned Judge of the lower Court

accepted the case of the prosecution on the basis of evidence that has come on record that even Ghanshyam shared intention of the other assailants to commit murder. In view of the material against applicant No.2 we are quite doubtful about such intention. We are inclined to release him on bail.

3. Applicant No.2 - Ghanshyam Sundarrao Ambhore is released on bail on his furnishing and P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five Thousand) with one surety of the like amount.

4. Application is allowed to the extent of applicant no.2 Ghanshyam Sundarrao Ambhore. Application is disposed of as withdrawn to the extent of applicant nos. 1 Dattarao Manchakrao Ambhore and 3 Sundarshan Sundarrao Ambhore.

(V.K. JADHAV, J.)

(A.V. NIRGUDE, J.)

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aaa/-