

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

Criminal Application No.6136 of 2014

Balasaheb s/o Ratan Borde. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. N.R. Thorat, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondent.

With

Criminal Application No.5748 of 2014

Vinod s/o Subhash Shinde. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Ravindra S. Shinde, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondent.

With

Criminal Application No.5750 of 2014

Atul s/o Mahadeo Thorat. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Ravindra S. Shinde, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for respondent.

With

Criminal Application No.5875 of 2014

Abasaheb @ Rahul S/o Vikram Dhas. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Mahesh S. Bhosale, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for respondent.

With

Criminal Application No.5760 of 2014

Bhujang Shivram Vidhate
And Others. .. **Applicants.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Joydeep Chatterji, Advocate, for applicants.

Shri. R.P. Phatke, Additional Public Prosecutor, for respondent.

With

Criminal Application No.6479 of 2014

Vikas s/o Bajirao Amte. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Gajanan G. Kadam, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 22nd JANUARY 2015

ORDER:

- 1) All the applications are filed for bail. Crime was registered for offences punishable under section 149, 302 etc. of Indian Penal Code, under the provisions of Arms

Act and under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Charge sheet is now filed for offence of conspiracy also for committing murder. It is filed against 24 persons. One Sanjay @ Butta Shivram Gaikwad was murdered in his village, Dadegaon. He was murdered at about 8.30 a.m. and 7 to 8 assailants had taken part in the actual assault in broad day light in the locality and he was murdered after giving him chase in presence of the villagers. These assailants were not known to the villagers. They had used dangerous weapons including fire arms. Both the sides are heard. This Court has perused the papers of investigation.

2) It is the case of the prosecution that one Ganesh Thorat (absconding accused) was hired for this job and he collected men for murder and he had prepared plan along with his brother Atul Thorat (accused No.15). Atul Thorat remained in the company of the assailants when assault was made and he also helped them to escape from the village and he arranged for their tour after the incident. That way they ran away from the place and they concealed themselves. Few more accused are shown as

absconding and charge-sheet is filed against them under section 299 of the Code of Criminal Procedure.

3) Criminal Application No.6136 of 2014 is filed by one Balasaheb Barde, resident of Dadegaon (accused No.13). Criminal Application No.5750/2014 is filed by Atul Thorat, who is resident of Beed city (accused No.15). Criminal Application No.6479/2014 is filed by Vikas Amte, resident of Pimpri, Tahsil Ashti (accused No.1). Criminal Application No.5748/2014 is filed by Vinod Shinde, resident of Ashti, District Beed (accused No.17). Criminal Application No.5875 of 2014 is filed by Abasaheb @ Rahul Vikram Dhas, resident of Jamgaon (accused No.5). Criminal Application No.5760/2014 is filed by three persons like Bhujang Vidhate (accused No.2), Shamrao Vidhate (accused No.3) and Navnath Bhausahab Vidhate (accused No.4) and these three persons are residents of Dadegaon.

4) Crime is registered on the basis of report given by the widow of the deceased. She has made allegations directly against accused Nos.1 to 4 and also accused

No.12 that they had hired killers to finish her husband. In view of nature of material it can be said that the prosecution intends to prove that aforesaid persons of Dadegaon like Barde, Vidhate, were having motive for the offence. There are allegations that the deceased had helped his nephew Krishna in kidnapping the daughter of accused Bhujang that was done after the marriage of the said girl with other person. Krishna had kept the said daughter with him for about three months and he had sexually harassed her. In respect of that incident case was also filed for offences punishable under section 376 etc. of the Indian Penal Code against Krishna and the deceased. Accused No.12 is son of accused No.2 and accused No.3 is brother of accused No.2, Bhujang. The prosecution intends to prove that after the incident of kidnapping and rape Amol (accused No.12) had helped police in arresting the deceased and due to that the deceased had given severe beating to Amol and that was also the motive for the crime. The prosecution intends to prove that Amol actually participated in the incident and he pointed the deceased to the hired killers at the time of the incident.

5) The prosecution intends to prove that there was dispute of serious nature between the deceased and accused No.13 - Barde. Material is collected to show that the deceased had interfered in the business of Barde. Barde supplies watchmen for windmills and the deceased had contacted the company men for appointing his men as watchmen. Due to this interference, Barde had become angry and even fighting had taken place between them on one occasion. The prosecution intends to prove that due to this, Barde joined the conspiracy.

6) The prosecution intends to prove that accused No.1 Vikas Amte had some dispute over sale of his four wheeler by deceased to him. Vikas had filed report against the deceased in police station and the wife of the deceased had also given report against Vikas in police station. The prosecution intends to prove that due to this dispute, there was motive to accused No.1 Amte and he joined hands with other aforesaid accused for finishing the deceased.

7) The prosecution intends to rely on direct evidence which is to the effect that some villagers and drivers had seen the assailants who were hired and they are identified by some witnesses. The prosecution will be relying on some circumstantial evidence and also on the evidence of aforesaid motive.

8) According to the widow of the deceased her husband went outside of the home on 25-4-2014 at about 8.00 a.m. He was present in the vicinity of the home, at a tea stall. When she heard the shouts of her husband she rushed outside and she saw that her husband was running away to save himself and 10 to 12 persons were giving chase to him with weapons like sword, katti and country pistols. According to her, in her presence one of the assailants fired a bullet at her husband. According to her, her husband was trying to enter the house of one Mahadeo Gite. He entered the house but he was dragged out of the house by the assailants and then he was finished by the assailants by using the aforesaid weapons. Report was given by the widow on the same day and crime was registered at 4.15 pm in Ambhora Police Station.

9) Mahadeo Gite, the person who owns the house where the deceased wanted to take shelter, was not at home. His wife Aprugabai and daughter-in-law Sunita were at home. They were sitting outside of the entrance door as cooking place is there. According to these eye witnesses when they were present in the outside portion, Padwi portion, the deceased came running towards their house, entered their house for shelter and tried to close the door. According to them, the deceased could not save himself as 7 to 8 boys who were following him, forcibly opened the door, opened the window and dragged him out of the house and they finished him in the Padwi portion of the house by using weapons and one of them used pistol. According to them, when the assailants were sure that the deceased was finished they left the place with the weapons. Their statements came to be recorded under section 161 of the Code of Criminal Procedure on the same day. The dead body was lying in Padwi portion of their house. They had informed the police that they would be in a position to identify the persons who had attacked the deceased.

10) Witness Nitin Vidhate of Dadegaon had seen 7 to 8 assailants holding weapons and he had seen that they were running away from the locality of the village after the incident. According to Navnath Athre of Dadegaon at 8.30 to 8.45 a.m. he was present near the tea stall where deceased was present. According to him, Chandu Vidhate, Baban Pokale of Dadegaon were also present in the vicinity. According to him, he noticed that two persons came towards the tea stall where they were standing on a motor cycle and then the pillion rider of the motor cycle fired from pistol at them, where the deceased was standing. According to him, the deceased realised that attack was being made on him and he started running away. According to him, he noticed that one white colour jeep was stationary in front of the shop of one Sukhlal and 8 to 7 boys, assailants, alighted from this jeep and they were holding weapons like sword. According to him, they started running after the deceased. Statements of these witnesses were recorded on the same day and they had informed to police that they would be in a position to identify the assailants. Statement of one Chandrakant of Dadegaon is similar to the statement of Baban but it was

given on 5-5-2014. The second witness Gangaram Vidhate had seen 7 to 8 persons alighting from white Scorpio jeep and he noticed that they were running. One witness Rohidas Falke had seen this Scorpio vehicle proceeding towards Deolai after the incident was over.

11) To prove that these 7 to 8 persons, assailants, were present in the company of other accused and conspiracy was hatched prior to the date of the incident, prosecution will be relying on the statements of other witnesses.

12) There is police statement of one Jyotiram Sonwale of Singanwadi. According to Jyotiram, Hanumant Rathod (accused No.23) of Bhalwan Tanda, Ashti and Appa Sonwane (accused No.11) of Beed had taken him to the place known as Chinchecha Mala of Jamgaon on 20-4-2014. According to him, he had seen that 10 to 12 unknown youngsters had gathered there. Some other persons who had gathered were known to him and they were accused Nos.11, 23, one Tangade, accused No.10, 22, 15, 16 and also Pritam and Kishor. According to him,

there was one red bear faced person and when he requested the said red bear faced person to allow him to return to home, threat of life was given to him. Then he had requested accused No.15, Atul, but he did not allow him to leave. According to Jyotiram he was virtually detained there from that time. According to him, on 25-4-2014, early in the morning one Scorpio vehicle bearing No.MH 44-G-0216 came to Chinchecha Mala and weapons were brought in that jeep.

13) The statement of Jyotiram further shows that the weapons which were brought in the Scorpio vehicle were handed over to Atul (accused No.15), Pritam, Kishor, DX (accused No.22), Rathod (accused No.21) and others. According to him, Appa (accused No.11) occupied the driver's seat of the Scorpio vehicle and 7 to 8 persons who were holding the weapons boarded this Scorpio. He has given names of few persons who were sitting in the Scorpio and those names are Atul (accused No.15), DX (accused No.22), Rathod (accused No.23), Pritam and Kishor. According to him, on one motor cycle two persons who included Tangade and who was having pistol went

with the Scorpio vehicle and Tangade was pillion rider on the motor cycle.

14) According to Jyotiram, three Innova vehicles had also come to Chinchecha Mala. According to him, in one Innova vehicle he was taken towards a temple side, situated at a distance of 20 minutes from Ashti and all the three Innova vehicles were stationary for some time at this temple. According to him, when they received phone call, they started towards Dadegaon with Innova vehicles. According to him, when he reached near brook of Dadegaon, he noticed 7 to 8 persons including Atul, DX, Tangade and Rathod (others not known to him) running towards their vehicles from Dadegaon side and they were holding weapons. According to him, in one Innova vehicle in which he was sitting one blackish coloured slim boy holding weapon, katti sat and there was blood on his weapon. According to him, his Innova vehicle was taken to Chinchecha Mala and there weapons were collected from the assailants and the weapons were kept in a sack.

15) According to Jyotiram, from Jamgaon all of them went to Shingnapur, religious place situated in Ahmednagar District and all the three Innova vehicles were taken there. According to him, three Innova vehicles were left there and from there the assailants and others were taken to Pune by bus. According to him, in Pune, a private mini bus was hired by Atul (accused No.15) for them and they were sent on tour in the mini bus. According to him, when he reached Ganpati Pule, he informed that he wanted to return for attending examination and then he and Hanumant went to Kolhapur and from there to Ambejogai. According to him, his mobile phone was already taken by Atul (accused No.15) and so he could not contact anybody during this period.

16) Statement of one Gopichand Rathod is similar to the statement of Jyotiram, to most of the extent. His statement shows that he was collected by accused No.11, Apparao on the night between 19 and 20 April 2014 in a Scorpio vehicle of accused No.11. According to him, he left company of Jyotiram at Pali, after visiting Ganpati Pule and he went with others to Pune and from there to

Ambejogai. He know Jyotiram Sonwale.

17) There are statements of four drivers of Innova vehicles. These vehicles were hired for making use in the aforesaid incident. These statements show that through one Mahesh Dongare contract was made by representing that the vehicles were required for election purpose. According to the drivers, as per instructions received by them, they first went to Ashti on 23-4-2014. According to them, they stayed in a hotel by name "Hotel Sarthak at Ashti" where arrangement was also made for them by the person who had called the vehicles. According to them, as per the instructions of the Manager of this hotel they filled fuel in the vehicles at a petrol pump situated on Nagar road and from there they went to Jamgaon. According to them, at Jamgaon lunch was arranged and after the lunch one man took them to one Bapu who was wearing rings in ears. According to them, after seeing the conduct of the persons they expressed that they wanted to return but by showing pistol, Bapu gave threat of life to them and they were compelled to act as per the instructions given by the person who had called them.

According to them, they were taken to Chinchecha Mala from Jamgaon.

18) According to these drivers, at Chinchecha Mala they had opportunity to see the persons who had gathered there. According to them on 25-4-2014 in one Scorpio vehicle 7 to 8 persons went with weapons from Chinchecha Mala and others boarded in Innova vehicles. They had seen two persons who had left the place on motor cycle. According to them, they could not know the number of the Scorpio vehicle as some substance like dung was pasted on the number plate.

19) Innova vehicle of Somnath was taken to other place and one person whose description is given by Somnath was occupying this vehicle and he was seeking information from the assailants on phone. According to this witness the vehicle was stopped at some distance from Nagar and there when the said man realised that the job was done he took this vehicle to Chinchecha Mala and from there Somnath was allowed to return.

20) The statements of the drivers like Samadhan Bandgar, Dattatraya Sudake, Somnath Gurav show that from Chinchecha Mala they were brought to the side of the temple situated near Dadegaon. According to Samadhan one assailant boarded is Innova when the assailants ran towards the vehicle from Dadegaon side. According to Dattatraya two assailants boarded his vehicle. According to Somnath Gurav, two assailants boarded his vehicle. According to these three drivers, they took these assailants and other persons to Chinchecha Mala. According to them, from this place, drivers Dattatraya and Somnath returned to Pandharpur, their place. According to Samadhan in his vehicle and in the Scorpio vehicle and Innova vehicles Sominath Shelke other persons were reached to Shikhar Singnapur.

21) There is police station of the manager of Hotel Sarthak of Ashti and it shows that Ganesh Thorat was known to him. According to him, four Innova cars had come to his hotel and the drivers had taken dinner in his hotel on 23-4-2014. He had seen accused Shaikh Azhar with 3 to 4 boys in his hotel on 24-4-2014 in the night

time. There is statement of one Sayyad to the effect that his motor cycle was taken by Shaikh Azhar on 24-4-2014 and it was with Shaikh Azhar from 3.00 p.m. to 11.30 a.m. of 24-4-2014. He is resident of Ashti which is the place of residence of Shaikh Azhar.

22) There is statement of Mahesh Dongre who had contacted Driver Somnath Shelke for engaging the aforesaid four Innova vehicles. According to him, on 22-4-2014 at about 7 to 8 pm accused Abasaheb Dhas (accused No.5) had contacted him and had said that he was in need of 10 to 15 vehicles for election purpose. According to him, Somnath Shelke had talked directly with Abasaheb Dhas on his mobile phone and Somnath had agreed to give vehicles to Abasaheb and the rate for it was settled. The material already discussed shows that Innova vehicles were used in the incident and they were supplied as per this conversation and they were engaged by Abasaheb Dhas (accused No.5). There is statement of Rajendra Shrirang Shelke of Sarthak Hotel showing that he had made arrangement for the dinner as per the instructions given by Abasaheb Dhas. This can be called as the material against Abasaheb Dhas.

23) There are statements of Sanjay Bandale and Sanjay Choudhari to the effect that there was enmity between the deceased and Balasaheb Barde (accused No.13). According to them on one occasion there was virtually fighting between these two persons in a hotel. The dispute was over taking work of protection of windmills by appointing watchmen. This material is on motive as against Balasaheb Barde (accused No.13).

24) On 4-5-2014 accused No.11 Sonwane, who is also called as Sir came to be arrested. From him, weapons like country made pistols, three live cartridges, four mobile handsets were recovered and this record is consistent with the aforesaid statements.

25) There are statements of other witnesses to the effect that at Pune accused No.10 Ghadge engaged mini bus at about 8.00 pm on 26-4-2014. Accused No.10 had approached travel agent and he had gone there with white Scorpio. The statements are to the effect that in all 17 persons had gone on tour in the mini bus taken on hire in Pune.

26) There are statements of witnesses and there is record to the effect that from 25 April 2014 to 27th April 2014 accused Sachin (accused No.6) had visited Nagar, Shirdi, Indore, Ujjain and the persons like Bhausaheb (accused No.9), Tushar (accused No.21), Amol (accused No.12) and Appa (accused No.11) were in his company. They had used vehicle bearing No.MH-23-AD-6361. They left this vehicle and they had gone towards Shirdi at 6.2 p.m. of 25-4-2014. Vehicle bearing No.6363 was used. The learned counsel for the applicants submitted that there is inconsistency in the number and it creates doubt. At this stage, this circumstance need not be scrutinized in detail as there is statement of owner to the effect that vehicle bearing No.6313 was given and there are statements to show that this vehicle was taken by Sachin and other persons to Ujjain. Sachin (accused No.6) had supplied his identity card also there. It can be said that they were hiding themselves after commission of the offence.

27) There is record of bank account of wife of Ganesh and it shows that on 26-4-2014 amount of

Rs.50,000 was deposited; on 2-5-2014 amount of Rs. One lakh was deposited and on 8-5-2014 amount of Rs.1.5 lakh was deposited. There is account statement of one more lady of the family of Ganesh showing that on 2-5-2014 an amount of Rs. Five lakh was deposited in that account. This record is collected to show that Ganesh had taken the responsibility to finish the deceased and he was hired for that job.

28) The record of test identification parade shows that driver Somnath Shelke identified accused Nos.12, 7, 17,10, 18 and 11. The record shows that Driver Samadhan Bandgar identified accused Nos.9, 7, 10, 11, 14, 15 and 18. The record of identification shows that driver Sominath Gurav identified accused Nos.12, 16 and 15. The record shows that Driver Dattatraya identified accused Nos.7 and 10.

29) Witness Gopichand Rathod, who was present at the Chinchecha Mala identified accused Nos.18, 17, 15, 14, 12,11, 10, 9 and 7. Witness Jyotiram who had also visited Chinchecha Mala where the meeting of

conspirators was held, identified accused Nos.17 and 15. Baban Pokale identified accused No.18.

30) There are statements of witnesses showing that many accused were using mobile phones of other persons, witnesses and they are in respect of Ganesh Thorat, Sk. Azhar, Vinod Shinde, Sanjay Taktode, Dipak Chavan, Balasheb Barde, Atul Thorat, Sachin Tangade. The record is collected from Mobile company showing that Atul Thorat, Balasaheb Ghatge, Bhujang Vidhate, Tushar Mane, Akash Kale and Dinkar Shendge had SIM cards in their names. Their numbers are given in the record. The record in respect of Scorpio vehicle described in the aforesaid statements is to the effect that the vehicle was standing in the name of accused No.11.

31) The CDR record in respect number of phones used by accused persons is collected and the record about location of the numbers at the relevant time is also collected.

32) As per CDR record accused No.15 - Atul Thorat, who is brother of accused Ganesh Thorat, was

contacting accused No.6 Sachin Tangade and the contacts were of 24-4-2014 and 25-4-2014. He was also contacting Ganesh Thorat and the contacts were made on 25-4-2014 right from 5.45 a.m. Mobile location of Atul on 24-4-2014 was of Chinchecha Mala and at the relevant time it was Dadegaon, the village where the incident took place. The location was also of Kada side where the assailants ran away immediately after the incident. Mobile record of Atul Thorat (accused No.15) shows that he contacted Kishor and also accused Rajabhau. He had contacted Sanjay Taktode, Shaikh Azhar, Vinod Shinde, Akash Kale, Tushar Mane either on 24 or 25 April 2014. The record is collected as against Rajabhau Tangade that he had done the work of firing and his mobile location was Kada and Dadegaon. Record of location of mobile of other accused like Sanjay, Vinod, Shaikh Azhar shows that they were at Dadegaon at the relevant time.

33) CDR record in respect of accused Rahul shows that he was in touch with Sachin Tangade (accused No 6). It also shows that he had contacted Sunil Laxman Redekar, witness. He was in touch with Bhausahab

Ransing, who is identified in T.I. parade. He was also in touch with Tushar Mane.

34) The CDR record of Vinod Shinde shows that he was in touch with Tushar Mane, Rajabhau Tangade and Akash kale. Though the contact was subsequent also with Rajabhau and Akash, the aforesaid record shows that the assailants had conspiracy and they were in touch with each other. On 27-4-2014 Rajabhau Tangade's location was Panhala, District Kolhapur.

35) CDR record of Balasaheb shows that he was in touch with Amol Vidhate, who was present on the spot in the village Dadegaon at the time of incident and the contact was made at the time he was in touch with Sachin Tangade and this contact was made on 24-4-2014 on many occasions.

36) CDR record of Vikas Amte (accused No.1) shows that he was present in village Dadegaon, the place where the incident took place though he is from Ghat Pimpri.

37) The mobile record of accused 2-Bhujang shows that he was present in village Dadegaon at the relevant time and he had contacted his son Amol at that time. He had contacted Sachin Tangade also on 25-4-2014 at 1.04 hours and at that time Sachin was at Shikrapur.

38) The mobile record of accused Shamrao Vidhate and Navnath Vidhate show that on 24-4-2014 and 25-4-2014 they were present in village Dadegaon.

39) There is more material like statement given by Amol son of Bhujang under section 164 of the Code of Criminal Procedure. The statement is to the effect that on 24-4-2014 Balasaheb Barde (accused 13) had called him to Ashti and then he was convinced to join the conspiracy. He had gone to Chinchecha Mala from Jamgaon with Barde. He had seen there the persons like Sachin Tangde (accused No. 6), Bhausahab Ransing (accused No.9) and others. His statement shows that the particulars of the plan were worked out. As per the plan Amol was to sit in the vehicle and he was expected to point out the deceased to the assailants. According to him, persons like, Atul Thorat, Vinod Shinde, Kishor and other five persons, who

were not known to him, were present in the vehicle which went to village Dadegaon for doing the job. On one motor cycle two person went with them. Photograph of the deceased was with them. His statement shows that Barde was in his contact and he was also on watch and he informed that he had seen the deceased at Dadegaon Stand. Abasaheb also received similar call and so they went to the spot, where the deceased was available. The deceased was seen at the tea stall and he pointed the deceased to assailants. According to him, pillion rider fired a bullet at the deceased and when he started running way, 7 to 8 persons who were in his vehicle alighted from the vehicle and started giving chase to the deceased. The assailants did not return from village in his Scorpio vehicle. According to him, from village they returned to Chinchecha Mala and there Ganesh had returned. According to him, from there, he went on tour and he went to Indore, Ujjain, Bangalore Ooti, Goa, Hyderabad etc.

40) The conspiracy can be inferred on the basis of material which is quoted above at least against the persons who were in touch with each other and who are

identified by the witnesses. Some assailants are still absconding. Some assailants who were there to execute the job are arrested and there is material to show the link of most of the accused with them.

41) For Balasaheb Barde there was motive. For Atul Thorat it was the job undertaken as they were hired. For Vinod Shinde he was present in the village at the relevant time when he was not from that village. Against Vikas Amte there is material of aforesaid nature. There is material showing that A-5 Dhas was making all kinds of arrangement for execution of the job. Son of Bhujang namely Amol took part in the incident and Bhujang was in touch with Amol and also with Sachin Tangade. There was motive for him. This Court has no hesitation to hold that there is sufficient material against these persons to make out a case for offences punishable under sections 302, 120-B of the Indian Penal Code.

42) The learned counsel for the applicants placed reliance on following reported cases :

- (1) **1997 (1) B.Cr.C. 667 (State of Maharashtra v. Wafati Babu Qureshi);**
- (2) **2005 Cri.L.J. 892 (State of U.P. v. Shri Krishan);**
- (3) **2012 AIR SCW 1383 (Susanta Ghosh v. State of WB;**
- (4) **(2005)2 SCC 12 (Jayendra Saraswathi Swamigal v. State of Tamil Nadu).**

These cases can be of no help to the applicants. Facts and circumstances of each & every case are always different.

43) In respect of accused Shamrao Vidhate, brother of accused No.2 and Navnath Vidhate it can be said that they are from Dadegaon, they may be relatives of accused Bhujang who had aforesaid motive but the other record as against them shows that there is no material for connecting them with the other accused. Their presence in Dadegaon at the relevant time is mentioned in CDR but this Court holds that it is not desirable to keep them behind the bars till disposal the case. This Court holds that bail can be granted to accused Nos.3 and 4, Shamrao and Navnath Vidhate.

44) After arguing the matters exhaustively, learned counsels for the applicants in Criminal Application Nos.

6136/2014, 5748/2014, 5750/2014, 5875/2014, 6479/2014 and learned counsel for applicant No.1-Bhujang Shivram Vidhate from Criminal Application No.5760/2014, on instructions, submit that they want to withdraw these applications for the respective applicants. So, these applications are disposed of as withdrawn.

45) Criminal Application No.5760/2014 filed by applicants - Shamrao Shivram Vidhate and Navnath Bhausahab Vidhate is allowed. These two applicants are to be released on bail in Crime No.57/2014 registered in Ambhora Police Station, District Beed for offences punishable under sections 302, 147, 148, 149, 120(B) of Indian Penal Code and section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, on their furnishing PR and SB of Rs.15,000/- by each of them. They are not to tamper with prosecution witnesses. They are not to commit similar offences. They are not to visit village Dadegaon till disposal of the case.

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

rsl