

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5373 OF 2015

VIJAY S/O BALIRAM BANSODE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Satish A. Gaikwad.

APP for Respondent : Mrs. M. A. Deshpande.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 19th November, 2015.

ORDER:

. Heard learned counsel for the parties.

2 Applicants are involved in Crime No.125 of 2015 registered at Gandhi Chowk Police Station, Latur for the offences punishable under Sections 302, 201, 143, 147, 148 and 149 of the Indian Penal Code and Section 135 of the Bombay Police Act.

3 It is the case of prosecution that on 15th May, 2015 deceased Shrihari Kamble went for morning walk and returned to the house in injured condition. On being inquired Shrihari disclosed that he saw one person lying unconscious and 5 to 6 unknown persons

searching his pocket. When Shrihari asked those persons the reason for searching the pocket of unconscious person they assaulted him with wooden stick on the head, back, stomach and leg causing serious injuries.

4 Shrihari was admitted to Government hospital. On the next day, he succumbed to injuries. Ratnamala Kamble sister of deceased lodged report on the basis of which above said crime came to be registered.

5 On going through FIR and statement of Chandrakant Suryawanshi recorded on 16th May, 2015, it can be seen that there is no whisper regarding names of present Applicants. So far as statements of other witnesses are concerned, names of Applicants are disclosed at the instance of Chandrakant Suryawanshi who does not name the Applicants in his statement.

6 In this premise involvement of Applicants in commission of alleged murder of Shrihari appears to be doubtful. This is a fit case to enlarge the Applicants on bail. Hence the following order –

ORDER

- I. Criminal Application No.5373 of 2015 is allowed.
- II. Applicant No.1 Vijay s/o Baliram Bansode and Applicant No.2 Amol s/o Baliram Bansode be released on P.R. and S.B. of Rs.15,000/- each.
- III. They shall not tamper with prosecution evidence and shall make themselves available as and when required by the Investigating Agency.

[INDIRA K. JAIN, J.]

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