

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

CRIMINAL APPLICATION NO. 4942 OF 2015

Dharmraj s/o Tukaram Gaikwad,
Age: 40 years, Occ: Labour,
R/o. Mamdapur, Tq. Nilanga,
Dist. Latur.

...Applicant

versus

The State of Maharashtra & anr.

...Respondents

WITH

**CRIMINAL APPLICATION NO. 5524 OF 2015
IN
CRIMINAL APPLICATION NO.4942 OF 2015**

Premnath s/o Sonba Kamble,
Age: 35 years, Occ: Labour,
R/o. Devihallai, Tq. Nilanga,
Dis. Latur.

...Applicant

versus

Dharmraj s/o Tukaram Gaikwad,
Age: 40 years, Occ: Labour,
R/o. Mamdapur, Tq. Nilanga,
Dist. Latur & ors.

...Respondents

...

Mr. P.A. Kulkarni, Advocate for the applicant
Mrs. M.A. Deshpande, Addl. Public Prosecutor for respondent/State
Mr. S.R. Choukidar, Advocate for original complainant.

...

CORAM : N.W. SAMBRE, J.

DATE : 19th OCTOBER, 2015

ORAL ORDER :

Criminal Application No. 5524 of 2015 to assist the prosecution is allowed.

2. The applicant herein is seeking regular bail in Crime No. 68/2014 registered on 23/09/2014 with Kasar Shirsi Police Station, Dist. Latur for the offence punishable under Sections 302, 504 read with Section 34 of the Indian Penal Code. The applicant claims that he is entitled for regular bail on the following grounds:

(a) The other accused namely Tukaram, his father is already released on bail.

(b) That the applicant was arrested on 24/09/2014, whereas the charge sheet in the matter was filed on 06/12/2014, as there is delay in commencing of the trial, he is entitled for bail.

(c) In view of completion of investigation, further custody of the applicant will be of hardly any assistance to the prosecution.

3. While opposing the bail application, learned A.P.P. would urge that there is involvement of present applicant in the crime in question, as is apparent from the investigation papers. She would

urge that there is a seizure of weapon which was used in the crime in question from the applicant. According to her, there is no delay in initiation of the proceedings against the present applicant.

4. Upon perusal of the case papers, it reflects that the applicant is in custody about a year. There is *prima facie* evidence available on record, as there is discovery and seizure of weapon, which was used in the commission of crime. Apart from above, merely his father is released on bail, the case of applicant cannot be considered at par with that of the accused, who is his father.

5. In view of above, the application for grant of bail stands rejected.

[N.W. SAMBRE, J.]