

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

24. CRI.APPLN/6224/2014 In CRI.APPLN/5789/2013
WITH CRI.APPLN/1228/2014 WITH CRI.APPLN/6868/2014 In
CRI.APPLN/6224/2014

VENKAT DNYANOBA PANALE
V/S
THE STATE OF MAHARASHTRA

Mr. Joydeep Chatterji, Advocate for applicant in CA No. 6224/14.

Mr. R.N. Dhorde, Senior Counsel i/b. Mr. P.G. Patil, Advocate for
applicant in CA No. 6868/2014.

Mrs. M.A. Deshpande, APP for State in all applications.

Mr. A.A. Yadkikar, advocate for respondent in CA No. 1228/14.

CORAM : T.V. NALAWADE, J.
DATED : 20th February, 2015.

ORDER :

1. After advancing arguments exhaustively, when this Court expressed that this Court is not inclined to allow the application filed for relaxation of conditions, the learned counsel for the applicant on instruction submits that he wants to withdraw Criminal Application No. 6224/2014. The application is disposed of as withdrawn. Criminal Application No. 6868/2014 filed for assisting the learned APP is allowed and disposed of.

2. Criminal Application No. 1228/2014 is filed for cancellation of bail granted by the learned Additional Sessions

Judge, Latur to respondent in Criminal Misc. Application (Bail) No. 360/2013. Both the sides are heard.

3. Chargeheet is filed against respondent for offences punishable under sections 302, 149, 120-B etc. of I.P.C. There are allegations that one Santosh and Madhukar made assault on deceased Yuvraj outside the house of Yuvraj by using weapons like iron rod and sickle and they murdered him. Allegations against the present respondent are that he joined hands in the said conspiracy and the conspiracy was hatched in the house of daughter of Vyankat, main accused in Pune. The prosecution would rely on the evidence, if any, given by daughter of Vyankat and son in law of Vyankat. This Court has seen the order made by the other Hon'ble Judge of this Court by which bail came to be granted to Vyankat. Thus, the bail is granted to main accused Vyankat as he was not present on the spot and this Court observed that the material, if any, against Vyankat for proving conspiracy may not be strong, as there may not be the evidence of daughter and son in law of Vyankat in the Court.

4. The learned APP submitted that one witness had seen the present respondent going away from the village after commission of the offence and he was in frightened condition.

This will be one circumstance that can be used by the prosecution against the respondent. The order was made by the Sessions Court on 22.10.2013 when this Court granted bail to Vyankat on 18.1.2014. When this Court has granted relief to Vyankat, the main accused, in view of the material available, this Court holds that there is no possibility of interference in the order made in favour of respondent.

5. In the result, the application is rejected. These observations are made only for the purpose of present proceeding only.

[T.V. NALAWADE, J.]

ssc/