

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

CRIMINAL APPLICATION NO. 5940 OF 2015

Sachin s/o Pralhad Kamble ... Applicant

VERSUS

The State of Maharashtra ... Respondent

.....
Mr Suhas P. Urgunde, Advocate for applicant
Mr S. J. Salgare, APP for respondent/State
.....

CORAM : **INDIRA K. JAIN, J.**
DATE : **30TH NOVEMBER, 2015.**

PER COURT:

. This is an application for regular bail in Crime No. 48 of 2015 registered at Latur Rural Police Station, Dist. Latur for the offences punishable under Sections 302, 114 read with 34 of the Indian Penal Code.

2. Heard Mr Suhas P. Urgunde, learned Advocate for applicant and Mr S. J. Salgare, learned APP for respondent/State. Perused case papers.

3. Prosecution case in brief is as under :-

On 16.04.2015 one Arun Deshmukh was found dead in his agricultural land at Chikalthana, Dist. Latur. Applicant was serving in the field of deceased Arun. On the report of Narayan Deshmukh brother of the deceased crime was registered against the applicant.

4. According to prosecution applicant had illicit relations with the wife of Arun. There were frequent quarrels between Arun and his wife Ashwini on this ground. It is submitted that Applicant and wife of Arun in connivance eliminated Arun from their way.

5. The learned counsel for applicant submitted that applicant has been falsely implicated. There is no eye-witness in the case. In the past also false allegations were levelled against applicant that he tried to kill Arun by supplying electric current to a milk pot which was to be handled by Arun. It is submitted that applicant is in custody since long. His custodial interrogation is not necessary and no purpose would be served in keeping him in further custody. Applicant submitted that lady accused Ashwini is released on bail and on the ground of parity also, he is entitled for bail.

6. Per contra learned APP strongly resisted the application and submitted that there are strong circumstances against the applicant showing his *prima facie* involvement in commission of murder of Arun. Learned APP vehemently submitted that there was strong motive to take away the life of Arun as applicant and wife of Arun had illicit relations. Learned APP submits that considering the seriousness and gravity of offence application for bail be rejected.

7. On perusal of FIR it can be seen that wife of Arun and Applicant had illicit relations. During investigation statements of witnesses came to be recorded. They confirm the illicit relations between applicant and wife of Arun.

8. Further on going through the statement of witness Sonerao Shinde it is apparent that applicant made an extra judicial confession to this witness that he committed murder of deceased Arun by means of an axe. An axe has been recovered at the instance of applicant. Even mobile of deceased was seized from applicant. These circumstances are not existing against the co-accused who has been enlarged on bail and so rule of parity would not apply in case of applicant.

9. Considering the strong circumstances referred above *prima facie* involvement of applicant in commission of murder is apparent at this stage. This Court therefore does not find it fit to release the applicant on bail. Hence the following order.

ORDER

Criminal Application No. 5940 of 2015 stands rejected.

[INDIRA K. JAIN, J.]

sgp