

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

CRIMINAL APPLICATION NO. 6184 OF 2015

Kishor s/o Ramrao Rothe **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.S.Ghanekar, Advocate for Applicant.

Mrs. M.A.Deshpande, A.P.P. for Resp. - State.

Mr. V.R.Autade, Advocate to assist A.P.P.

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CORAM : INDIRA K. JAIN, J.

DATE : 21st DECEMBER, 2015

ORAL ORDER :-

. Here is an application for regular bail in Crime No. I-21/2015 registered at Virgaon police station, Taluka Vaijapur, district Aurangabad for the offence punishable u/s 302 read with 34 of the Indian Penal Code.

2. Heard Mr. N.S.Ghanekar, learned counsel for applicant and Mrs. M.A.Deshpande, learned A.P.P. for Respondent – State. Perused case papers.

3. The first informant Bhanudas Karbhari Rothe is father of deceased Appasaheb Rothe. Appasaheb was L.I.C. agent. According to prosecution, applicant had taken a policy from deceased. On 21/03/2015 at 6.30 p.m. wife of applicant called deceased on phone and asked him to come to collect premium at Jategaon.

4. On 22/03/2015 at 8.30 a.m. Namdeo Ashok Mulmule gave information that Appasaheb was murdered by applicant and his wife Anjali. On the report above said crime came to be registered against applicant and his wife.

5. Prosecution case is based on circumstantial evidence. One of the circumstances alleged against applicant is the recovery of Gupti and stick at his instance u/s 27 of the Indian Evidence Act. Prosecution has also relied upon station diary entry dated 23/03/2015 made on the report of applicant. Complainant Bhanudas has admitted extra marital relations of applicant's wife and the deceased.

6. In this back-ground and considering the circumstances alleged against the applicant this Court is inclined to allow the application. Hence, the following order.

ORDER

(i) Criminal Application No. 6184 of 2015 is

allowed.

- (ii) Applicant Kishor s/o Ramrao Rothe is released on bail in Crime No. I-21/2015 registered at Virgaon police station, Taluka Vaijapur, district Aurangabad for the offence punishable u/s 302 read with 34 of the Indian Penal Code on P.R. and S.B. of ₹ 15,000/- [Rupees Fifteen Thousand] each.
- (iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.
- (iv) Bail before the trial court.
- (v) Parties to act upon authenticated copy of this order.

[INDIRA K. JAIN]
JUDGE