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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.610 OF 2015
IN
CRIMINAL APPEAL NO.777 OF 2015**

Ramesh Palwa and anr ... Applicants.

V/s.

The State of Maharashtra Respondent

Mr. Milan Desai I/by Ms. Saeeda Shaikh, for the Applicant.
Mr. H.J. Dedhia, APP for the Respondent-State.

**CORAM : SMT. V.K. THILRAMANI, ACTING CJ &
DR. SHALINI PHANSALKAR-JOSHI, J.**

DATE : 17th NOVEMBER, 2015.

P.C. :

1. This application has been preferred by the applicants i.e. original accused Nos 1 & 2 for bail.
2. Both the applicants have been convicted under Section 302 read with 34 of the Indian Penal Code.
3. Learned counsel for the applicants states that at present he is pressing application for bail only in relation to

applicant No.1 Ramesh Palwa and as far as applicant No.2 Kashinath Palwa is concerned, he seeks liberty to file separate application for bail. Hence we consider the prayer for bail made by applicant No.1 Ramesh and as far as applicant No.2 Kashinath Palwa is concerned, liberty to prefer separate application is granted.

4. There are three eye witnesses in the present case viz P.W.1 Bharati Palva, P.W.5 Dinesh and P.W.7 Jitendra. On going through the record, we find that there is no material against applicant No.1 Ramesh Palwa. None of the witnesses have attributed any role of assault to applicant No.1 Ramesh Palwa. Applicant No.1 Ramesh was not armed with any weapon at the time of the incident. Moreover, none of the three eye witnesses stated that applicant No.1 Ramesh assaulted deceased Lahanu. In this view of the matter, we are inclined to grant bail to applicant No.1 Ramesh Palwa on the following terms.

5. The sentence of imprisonment, imposed on applicant No.1 Ramesh Palwa is suspended pending hearing and final disposal of this appeal. He be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said

amount. During the period applicant Ramesh Palwa would be on bail, he shall report to Vikramgad Police Station, once in two months i.e. on first Monday of every alternate Monday between 10.00 a.m. to 1.00 p.m.

6. Application is disposed of in above terms.

[ACTING CHIEF JUSTICE]

[DR. SHALINI PHANSALKAR-JOSHI, J.]

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.