

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

CRIMINAL APPLICATION NO.7 OF 2016

1. Shesherao s/o Nivrutti Dhok,
Age 45 years, Occu. Agri.,

2. Mandabai w/o Shesherao Dhok
Age 40 years, Occu. Agri.

Both R/o Samdarga, Taluka Ausa,
District Latur

..Applicants

Versus

. The State of Maharashtra

..Respondent

Mr S.S. Panale, Advocate for applicants
Mr U.S. Mote, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st January 2016

PER COURT

1. The applicants are seeking regular bail in Crime No.68 of 2015, registered at Police Station, Bhada District Latur, for an offence punishable under Section 302 read with Sec.34 of Indian Penal Code, for an incident dated 7th August 2015.

2. Learned Counsel for the applicants submits that the further detention of the applicants is not necessary, as the investigation in the matter is already over. He then would urge that the applicant No.1 who is a handicapped person suffered 81% deformity to his right lower limb, hence, it will be hard to believe that the applicant No.1 along with his wife applicant No.2 has committed the crime in question.

3. Learned A.P.P. opposes the application and would urge that two witnesses have stated about the last seen and there is sufficient evidence on record to infer that the applicant No.1 has committed the crime in question with the help of applicant No.2, his wife. Fact remains that the applicant No.1 is handicapped person with disability of 81% to his right lower limb.

4. It will be hard to believe that the applicant No.1 with such deformity has committed the crime in question with the assistance of his wife - applicant No.2.

5. In view thereof and as the charge-sheet is filed, the further detention of the applicants is not necessary. As such, they are entitled to be released on bail.

6. The applicants be released on bail in Crime No.68 of 2015, registered at Police Station, Bhada District Latur, for an offence punishable under Section 302 read with Sec.34 of Indian Penal Code, for an incident dated 7th August 2015, upon furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount, by each of them

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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