

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.1060 OF 2016 IN
CRIMINAL APPEAL NO.80 OF 2016

1 Shriram Laxman Bangar
2 Barku Laxman Bangar
3 Laxman Hariba Bangar

Applicants

Versus

The State of Maharashtra

Respondent

Mr.S.J.Salunke, advocate for applicants.
Mr.K.S.Patil, APP for Respondent.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 04th April, 2016**

PER COURT:

1 This is an application for bail on behalf of the accused involved in Sessions Case No.112 of 2013, decided by Additional Sessions Judge, Beed on 02.02.2016. All the applicants - accused nos.1, 2 and 3 were held guilty for commission of offence punishable under Section 302 read with Section 34 of the Indian Penal Code and have been sentenced to suffer imprisonment for life and pay fine of Rs.500/- each, in default, to suffer simple imprisonment for one year. They were also held guilty for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code and have been sentenced to suffer rigorous imprisonment for five years and to pay fine of Rs.500/- each, in default, to suffer simple imprisonment for one week.

2 So far as applicant no.1 Shriram is concerned, *prima facie*, there appears to be evidence against him in respect of his

involvement in the alleged crime. Both the eye witnesses, P.W.1 and P.W.2 have stated about the role of Shriram, being the person, who launched assault on the head of the deceased with the help of an axe, which has resulted in the death of the deceased. The case of Shriram for grant of bail, therefore, does not deserve consideration.

3 So far as applicant no.2 Barku is concerned, though it is contended that in fact he has not played any role in making assault on the deceased, however, considering facts and circumstances of the case, we do not deem it appropriate to consider his claim for grant of bail. We keep an option open to applicant no.2 – Barku to apply for bail after lapse of period of six months.

4 So far as applicant no.3 Laxman is concerned, it is alleged that he was armed with a stick and no role has been attributed to him in respect of assault on deceased Mahadeo. Considering totality of the circumstances as well as age of Laxman, who is stated to be of 67 years of age, he needs to be enlarged on bail.

5 For the reasons stated above, the application, so far as applicant no.3 – Laxman is concerned, is allowed. Applicant No.3 – Laxman shall be released on bail on furnishing bail bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety in the like amount. Bail in the trial Court.

6 The application for grant of bail, so far as it relates to

applicant no.1- Shriram and applicant no.3 Barku, stands rejected.

7 Office is directed to ensure preparation of paper book within a period of six weeks from today and after preparation of paper book, the appeal shall be listed for final hearing. In the event the appeal does not reach for final hearing after six months, liberty to applicant no.2 – Barku to tender fresh application for bail.

8 Instant appeal be placed along with Criminal Appeal No.98 of 2016.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE