

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

CRIMINAL APPLICATION NO.1065 OF 2016

Rameshwar @ Ramu s/o Navnath
Sarode, age 21 years, Occu. Education,
R/o Dahegaon, Tq. Vaijapur,
Dist. Aurangabad

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Y.K. Bobade, Advocate for applicant;
Mr S.P. Sonpawale, Addl. Public Prosecutor for respondent

**WITH
CRIMINAL APPLICATION NO.1157 OF 2016**

1. Ramhari s/o Balu Sonwane,
Age : 25 years, Occ.Agriculturist,
R/o Dahegon, Tq. Vaijapur,
Dist. Aurangabad

2. Kachru s/o Manikrao Ugale,
Age : 71 years, Occ. Nil,
R/o Dahegaon, Tq. Vaijapur,
Dist. Aurangabad

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr L.K. Pradhan, Advocate for applicants;
Mr S.P. Sonpawale, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th March, 2016

ORAL ORDER :

By these applications under section 439 of the Code of Criminal Procedure, the applicants seek their release on bail, in connection with C.R. No.I-213/2015 registered on 19th December 2015 with Vaijapur Police Station, District Aurangabad, for offences punishable under sections 302, 143, 147, 148 and 149 of Indian Penal Code.

2. Perusal of the first information report depicts that the applicants herein, accompanied by 10 to 15 persons, entered the hut of deceased Vishwanand Kailasnand Saraswati and attempted to prevent him from committing murder of Mahesh, a minor son of the complainant.

3. Learned Counsel for the applicants, while trying to make out a case for grant of bail would claim parity with other accused, namely Balkrushna Kachru Ugle and Dattu Gajanan Pagar, who are directed to be released on bail by this Court, vide order dated 28th January 2016, passed in Criminal Application Nos.156 of 2015 and 339 of 2016, respectively.

4. According to learned Counsel for applicants no specific role is attributed to the present applicants and there is vague attribution of their involvement in the crime in question.

5. Learned Addl. Public Prosecutor opposed the applications on the ground that the applicants are named as accused in the first information report.

6. With the assistance, perused the investigation papers. The deceased had committed murder of Mahesh, the minor child of the complainant. The record discloses that the applicants herein, accompanied by 10 to 15 persons, entered the hut of deceased Vishwanand Kailasnand Saraswati and attempted to save life of Mahesh, a minor son of the complainant.

7. The record further discloses deceased Kailashnand has also tried to attack the present applicants, in their attempt to save life of Mahesh, a minor son of the complainant, in which Kailashnand has lost his life. The prosecution claims that deceased Kailashnand was attacked by about 15-20 persons.

8. Having regard to the nature of crime, role attributed to the applicants, the circumstances in which the offence against the applicants is registered, in my opinion, their further detention is not warranted. The investigation is almost complete. In view thereof, the applicant deserve to be released on bail. I, therefore, pass following order :-

The applicants be released on bail, in connection with C.R. No.I-213/2015, registered with Vaijapur Police Station, District Aurangabad, for

offences punishable under sections 302, 143, 147, 148 and 149 of Indian Penal Code, on each of them furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj