

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

**CRIMINAL APPLICATION NO. 1391 OF 2016**

1. Maroti s/o Hariba Suryawanshi,  
Age : 70 years, Occu. Agri. Labour,  
R/o Halki, Tq. Shirur-Anantpal,  
District Latur
2. Uttam s/o Maroti Suryawanshi,  
Age : 32 years, Occu. Agri. Labour,  
R/o Halki, Tq. Shirur-Anantpal,  
District Latur
3. Sunil s/o Tatyarao Suryawanshi,  
Age : 22 years, occu. Agri. Labour,  
R/o Halki, Tq. Shirur-Anantpal,  
District Latur

APPLICANTS

**VERSUS**

The State of Maharashtra  
through Shirur-Anantpal  
Police Station, District Latur

RESPONDENT

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Mr. S.G. Magare, Advocate for the applicants  
Mr. A.S. Shinde, A.P.P. for the respondent-State  
Mr. V.M. Mane, Advocate to assist the A.P.P.

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**CORAM : M.T. JOSHI, J.**

**DATE : 28/03/2016**

**ORAL ORDER :**

1. Heard both sides.
2. All the present applicants, who are arrested by

Shirur-Anantpal Police Station, District Latur in Crime No. 83/2015, registered for the offences punishable under section 302, 307, 341, 323, 143, 147, 148, 149 of the Indian Penal Code and under section 135 of the Bombay Police Act, are praying for their release on bail.

3. All the applicants were arrested on 15<sup>th</sup> October, 2015.

4. The complaint as well as the case-papers would show that the principal accused Govind Suryawanshi had enmity with the deceased and the complainant, as in the civil court, the complainant and the deceased had obtained certain decree. In the circumstances, on 14<sup>th</sup> October, 2015, while the deceased and the complainant with the eye witnesses were proceeding by road on a motorcycle, the principal accused Govind obstructed the motorcycle and the principal accused hit the deceased by axe. At that time, all the present applicants i.e. co-accused instigated principal accused Govind by saying that the deceased should be done to death. Thereafter, when they started saying that the complainant and other witnesses should also be beaten, the complainant and the

witness fled away.

5. Learned counsel for the applicants submitted that the present applicants are behind the bars since 15<sup>th</sup> October, 2015. The chargesheet is now filed. The false allegations of instigation are made against the applicants. He further submitted that there are no injuries on the person of the complainant or the witness though allegedly, the witness has stated that he also suffered injury in the said incident. He further submitted that the trial would take time. Considering the nature of allegations against the applicants, he submitted that the applicants be released on bail.

6. Learned A.P.P. and learned counsel assisting to A.P.P., however, opposed the application. They submitted that the post-mortem note would show that the deceased had received as many as nine external injuries and the death of the deceased was caused due to multiple chop wounds over head with injuries to brain and fracture of the skull. They further submitted that there is definite material to show that the present applicants have instigated the principal accused – Govind in causing the murder.

7. Considering all the facts on record and the alleged role played by the present applicants, in my view, their further detention is not required, as the trial may take its own time. In the circumstances, the applicants deserve to be released on bail, on certain conditions. Hence, the following order :-

8. The application is hereby allowed. All the three applicants be released on bail in Crime No. 83/2015, registered with Shirur-Anantpal Police Station, District Latur, for the offences punishable under section 302, 307, 341, 323, 143, 147, 148, 149 of the Indian Penal Code and under section 135 of the Bombay Police Act, on each of them executing P.R. bond in the sum of Rs. 15,000/- (rupees fifteen thousand) each and also upon furnishing surety each in the like amount.

9. All the three applicants shall not enter the territorial limits of village Wanjarkheda, Taluka Shirur-Anantpal, District Latur for a period of three years or till the trial is concluded, whichever occurs earlier. None of them shall make an attempt to

influence any of the prosecution witnesses in any manner.

10. The present application accordingly stands disposed of.

**[M.T. JOSHI]**  
**JUDGE**

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