

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

CRIMINAL APPLICATION NO. 2120 OF 2016

Sachin s/o Vithal Didul

...Applicant

VERSUS

The State of Maharashtra

...Respondent

Shri V.D.Salunke, advocate for applicant

Shri R.B.Bagul, A.P.P. for respondent/State

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WITH

CRIMINAL APPLICATION NO. 2413 OF 2016

Baban s/o Navnath Sanap

...Applicant

VERSUS

The State of Maharashtra

...Respondent

Shri A.N.Nagargoje, advocate for applicant

Shri R.B.Bagul, A.P.P. for respondent/State

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CORAM : INDIRA K.JAIN, J.

DATED : 3rd May, 2016

ORDER :

By these applications applicants/accused seek their enlargement on bail in Crime No. 184 of 2015, registered at Patoda police station, District Beed for the offences punishable under Sections 302, 201, 364 r/w 34 of the Indian Penal Code.

2] Heard learned counsel for parties. Perused case papers.

3] It can be seen from the material collected during investigation that prosecution case is based exclusively on circumstantial evidence and particularly last seen theory. Shahaji Kondiba Ingale is a witness on last seen together. His statement was recorded on 27.10.2015. Deceased was found missing from 17.10.2015. Shahaji does not name either deceased or applicant Sachin in his statement. Except the circumstance of last seen together there is no other material against applicants to connect them with the commission of alleged murder of Hanumant Shinde.

4] Besides merits, this Court vide order dated 31.3.2015 in Criminal Application No. 1283 of 2015 released co-accused Jalindar and Ashok on bail. On the rule of parity also applicants would deserve their enlargement on bail since allegations against them are almost identical.

5] In the above backdrop, this Court is inclined to allow both the applications and proceed to pass the following order.

ORDER

(i) Criminal Application Nos. 2120 of 2016 and 2413 of 2016 are allowed.

(ii) Applicants are released on bail in Crime No. 184 of 2015, registered at Patoda police station, District Beed for the offences punishable under Sections 302, 201, 364 r/w 34 of the Indian Penal Code, on P.B. and S.B. of Rs.15,000/- each.

(iii) Applicants shall not tamper with prosecution evidence and shall make themselves available as and when required.

(iv) Bail before the Trial Court.

[INDIRA K.JAIN, J.]

dbm/crap2120.16