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

CRIMINAL APPLICATION NO. 3758 OF 2016

Anil s/o Panchram Hirwe,
Age: 28 years, Occ: Business,
R/o. Ekta Nagar, Pathari,
Dist. Parbhani. ..APPLICANT

VERSUS

The State of Maharashtra
Through the Police Station,
Pathari, Dist. Parbhani. ..RESPONDENT

Mr A.S. Lomte, Advocate for applicant;
Mr A.S. Shinde, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th August, 2016

ORDER :

The applicant is seeking regular bail in Crime No. 40 of 2016, registered with Pathri Police Station, District Parbhani, for the offence punishable under Sections 302, 364, 397, 427, 201, 212, 412 read with Section 34 of the Indian Penal Code.

2. The prosecution story as appears from the

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contents of the first information report is that the applicant's brother namely Satish along with one Ram murdered Somnath. After murdering him, jewelery and cash amount, which was with the deceased Somnath was shared by him and part of it was handed over to the applicant. As such, the applicant is one of the co-accused.

3. Perused the investigation papers. The charge sheet in the matter is already filed, as the investigation is over. The role attributed to the present applicant appears to be that of taking custody of the material, which was subject matter of the crime i.e. jewelery, which was seized from the applicant.

4. From perusal of the investigation papers, it is apparently clear that the applicant is not involved in the main crime of murder, which is an offence punishable under Section 302 of the Indian Penal Code.

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5. In view of above, in my opinion, looking to the allegation against the applicant, the applicant deserves to be released on bail. Hence, the following order :-

(a) The applicant be released on bail, in connection with Crime No. 40 of 2016, registered with Pathri Police Station, District Parbhani, for the offence punishable under Sections 302, 364, 397, 427, 201, 212, 412 read with Section 34 of the Indian Penal Code, upon furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

(b) The applicant shall not tamper with the prosecution evidence or influence the witnesses.

6. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)