

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.5191 OF 2016
IN
CRIMINAL APPEAL NO.522 OF 2016**

- 1) Atmaram s/o Dnyanba Pathade,
Age-26 years, Occu:Agriculture,
R/o-Chorjawala,
Tq. & Dist-Hingoli,
- 2) Madhav Dnyanba Pathade,
Age-34 years, Occu:Agriculture,
R/o-As Above
(Both the Appellants are in jail)

**...APPLICANTS
(Orig. Appellants)**

VERSUS

The State of Maharashtra,
Through Police Station Officer,
Hingoli (Rural) Police Station,
Hingoli, Tq. & Dist-Hingoli

...RESPONDENT

...
Mr.Shirish Gupte, Senior Counsel i/b. Mr. S.S.
Rathi Advocate for Applicants.
Mr.S.G. Karlekar, A.P.P. for Respondent.

...

**CORAM: S.S. SHINDE AND
V.K. JADHAV, JJ.**

DATE : 13TH DECEMBER 2016

ORDER :

1. Heard the learned senior counsel appearing for the Applicants. He submits that the Applicants were on bail during trial. He further submits that Applicant No.1 - Atmaram Dnyanba Pathade was injured in the incident and was hospitalized. He further submits that even the medical evidence does not support the prosecution case. Therefore, the learned senior counsel submits that the Applicants be released on bail.

2. The learned A.P.P. appearing for the State, relying upon the findings recorded by the trial Court and notes of evidence, submits that there are as many as six eye witnesses and their version gets corroboration from the medical evidence and other evidence brought on record by the prosecution. Therefore, the learned A.P.P. submits that Application be rejected.

3. We have heard the learned senior counsel appearing for the Applicants and learned A.P.P. appearing for State and with their able assistance, perused the evidence of eye witnesses and also other evidence brought on record by the prosecution witnesses. In our prima facie opinion, findings recorded by the trial Court cannot be said to perverse or contrary to the evidence brought on record. There is direct evidence in the form of eye witnesses, coupled with medical evidence and other evidence brought on record by the prosecution. We do not wish to elaborate further on the evidence, since the Appeal filed by the Applicants is pending. The Criminal Application for bail stands rejected.

4. The Registry of this Court shall send original Record and Proceedings to the Registry of Additional Sessions Judge, Hingoli. Upon receiving the original Record and Proceedings by the

Registry of the Additional Sessions Judge, Hingoli, the Registry of concerned Court shall prepare the Paper Book and send it back along with original Record and Proceedings, as expeditiously as possible, and preferably within three months from receipt of the original Record and Proceedings.

5. Liberty to the Applicants to file private Paper-Book.

[V.K. JADHAV, J.]

asb/DEC16

[S.S. SHINDE, J.]