

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

CRIMINAL APPLICATION NO. 5766 OF 2015

Atul s/o Bhaurao Kawade,
Age: 22 years, Occu: Labour,
R/o Ambedkar Nagar,
Jogeshwari Zopadpatti,
Tq. Gangapur, Dist. Aurangabad

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. S.D. Kotkar, Advocate for applicant
Mr. S.M. Ganachari, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 5th JANUARY, 2016

ORAL ORDER :

Heard Mr. Kotkar, learned Counsel for the applicant. The applicant is seeking regular bail in Crime No. I-93 of 2014 for the offence punishable under Sections 302, 341 read with Section 34 of the Indian Penal Code registered at M.I.D.C. Waluj Police Station, District Aurangabad.

2. While trying to make out the case for grant of bail, learned Counsel for the applicant would urge that out of three accused, two are already released on regular bail. He would submit that further detention of the applicant is not required, as the

investigation in the matter is complete and charge sheet is already filed. According to him, the incident in question has occurred at the spur of moment and there was no mens rea to commit the offence in question.

3. The application is opposed by learned A.P.P. on the ground that there are eye witnesses to the incident and there is prima facie involvement of the applicant in the commission of crime.

4. Perused the charge sheet and contents of the F.I.R.

5. It is noted that specific role is attributed to the present applicant in the commission of crime by use of one knife for killing one Joshwa, brother of complainant Prakash.

6. Apart from above, there are also eye witnesses to the incident in question. There is prima facie involvement of the applicant in the crime in question. No case for grant of bail is made out. Application fails, stands rejected.

[N.W. SAMBRE, J.]