

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

**CRIMINAL APPLICATION NO. 680 OF 2016  
IN  
CRIMINAL APOPEAL NO. 890 OF 2015**

Sheshrao s/o Bapurao Dombe .. **APPLICANT**

**VERSUS**

The State of Maharashtra .. **RESPONDENT**

Mr. V.D. Salunke, advocate for applicant.  
Mr. D.R. Kale, APP for the State.

**WITH  
CRIMINAL APPLICATION NO. 6275 OF 2015  
IN  
CRIMINAL APPEAL NO. 861 OF 2015**

Govind s/o Babarao Thite .. **APPLICANT**

**VERSUS**

The State of Maharashtra .. **RESPONDENT**

Mr. P.D. Suryawanshi with Mr. V.D. Salunke, advocates for applicant.  
Mr. D.R. Kale, APP for the State.

**WITH  
CRIMINAL APPLICATION NO. 6546 OF 2015  
IN  
CRIMINAL APPEAL NO. 890 OF 2015**

1. Dnyanoba alias Dnyaneshwar  
s/o Shrirang Tate

2. Laxman s/o Shrirang Tate

3. Murli Dnyanoba alias  
Dnyaneshwar Tate

**.. APPLICANTS**

**VERSUS**

The State of Maharashtra

**.. RESPONDENT**

Mr. V.D. Salunke, advocate for applicants.

Mr. D.R. Kale, APP for the State.

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**CORAM : R.M. BORDE &  
K. L. WADANE, JJ.  
DATE : 15<sup>th</sup> APRIL, 2016.**

**PER COURT :**

1. These are the applications by accused nos. 1, 2, 5, 7 and 10 for their enlargement on bail. Accused have been convicted for commission of offence of murder of one Devidas and are sentenced to imprisonment for life. The learned Judge of the Trial Court has also held accused guilty for commission of offence under section 147 of the Indian Penal Code. Accused have been convicted with the aid of section 149 of the Indian Penal Code.

2. We have perused record with the assistance of learned counsel appearing for the applicants as well as learned APP. The fatal blows launched on deceased Devidas are attributed to accused no. 1 Dnyanoba and accused no. 10 Govind. It is alleged that accused no. 2 Laman caught hold hands of deceased Devidas and facilitated launching of assault on his person by other accused. Considering the evidence appearing as against aforesaid three accused i.e. accused nos. 1, 2 and 10, we are of the opinion that aforesaid accused do not deserve to be enlarged on bail.

3. Case of accused no. 5 stands on different footing. There is no allegation that accused no. 5 launched assault on deceased Devidas. The allegation against him is in respect of tendering blow with iron rod on the

person of complainant and the corresponding injury is recorded as simple. So far as role of accused no. 7 Shehsrao is concerned, it is alleged that he dealt stick blow on the head and hands of deceased Devidas. We have perused post mortem notes. We do not find any corresponding injury on the head of deceased attributable to the blow extended by accused Sheshrao whereas there appears abrasion on the palm of deceased. On consideration of role of accused no. 7 Sheshrao, we are of the opinion that said accused needs to be enlarged on bail since the fatal blows inflicted on deceased are not attributable to him.

4. For the reasons recorded above, we direct rejection of application seeking bail by accused no. 1 Dnyanoba, accused no. 2 Laxman and accused no. 10 Govind. Accused no. 7 Sheshrao and accused no. 5 Murli shall be released on bail on furnishing personal bond of Rs. 1,00,000/- each with one surety for the like amount. All criminal applications stand disposed of.

**( K. L. WADANE )**  
**JUDGE**

**( R. M. BORDE )**  
**JUDGE**

dyb