

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

CRIMINAL APPLICATION NO. 1520 OF 2017

Ramesh s/o Bhagvantrao Viveki ... **Applicant**
Age 45 years, Occu: Business
R/o Harsha-Kiran Residency,
Chandrodaya Colony, Ltur
At present in Latur District
Prison)

VERSUS

1. The State of Maharashtra ... **Respondents**
Through P.I. Police Station,
Ausa, Dist. Latur
2. The Police Inspector,
Local Crime Branch, Latur

Mr. Rajendra S. Deshmukh, Advocate for the applicant
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 6th June, 2017

ORDER:

1. Heard Mr. Deshmukh, learned counsel for the applicant and Mr. Lokhande, learned APP for the State.
2. According to the prosecution, on 28.07.2012, deceased Apparao Bansode was riding motorcycle alongwith pillion rider one Govind Subhodhi. At about 9 to 9.30 p.m., when they reached at bridge near Triveni Farm, some vehicle came from behind and gave dash to their motorcycle and due to dash, deceased

Apparao and Govind fell on the ground. Apparao died on the spot. Therefore, initially crime No.87/2012 was registered against unknown person for the offences punishable under sections 279, 404-A, 337 and 338 IPC and also under section 187 of the Motor Vehicles Act. After investigation of the crime, charge sheet was submitted before the Judicial Magistrate, First Class, AUSA. Subsequently, brother of the deceased namely Bhagwat Bansode lodged a complaint with the police on 28.04.2014 alleging that present applicant and other accused persons have committed murder of his brother and on the basis of the information given by the brother of the deceased, Crime No.73/2014 came to be registered for the offences punishable under sections 302, 201, 120B r/w 34 of the Indian penal code.

3. Main allegation of the prosecution is that the present applicant and other accused persons have committed murder of the deceased Apparao as there was life insurance policy in the name of Apparao and for taking undue advantage of such policy, the applicant and other co-accused have committed his murder.

4. Mr. Deshmukh, the learned counsel appearing for the applicant points out that the amount of Insurance

Policy was received by the widow of the deceased- Apparao. Brother of the deceased deceased has submitted various affidavits before various authorities, thereby stating that deceased Apparao died due to accident and now, in the year 2014, suddenly, the prosecution witnesses came with the case that Apparao was murdered for wrongful gain.

5. I have perused the papers of investigation, from which, it reveals that entire amount of insurance policy of Apparao was received by his widow- Jyoti. The complainant, brother of deceased, had filed application/affidavits before various authorities stating that his brother died due to accident. Considering the statements in the earlier case and statements of the witnesses after registration of the criminal case under Section 302 IPC, it is revealed that there is infirmity in the statements of various witnesses. In the present matter, investigation is already over and charge-sheet is filed. In the circumstances, I am of the opinion that the applicant is entitled for bail. Hence the application is allowed.

6. The applicant shall be released on bail on his furnishing personal bond of Rs.25,000/-(Rupees twenty

five thousand) with one solvent surety of like amount.

7. The applicant shall not tamper with prosecution evidence, if any.

8. The observations made in the present order are prima facie in nature, for disposing of application for bail and the learned Sessions Judge shall not get himself influenced with any of the observations made herein above during trial.

9. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC