

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

CRIMINAL APPLICATION NO. 2156 OF 2017

Ganesh s/o Pandurang Yamalwad
Suresh s/o Tukaram Yamalwad ... Applicants

VERSUS

The State of Maharashtra ... Respondent

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Mr. A.L.Kanade, advocate for the applicants
Mr. K.N.Lokhande, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 6th JUNE, 2017

O R D E R :

Heard Mr. A.L.Kanade, learned counsel for the applicants and Mr. K.N.Lokhande, learned A.P.P. for the respondent.

2. Offence at C.R. No. 75 of 2015 is registered at Umri police station, District Nanded against the present applicants and other accused persons for committing murder of one Ganpat.

3. It is the case of the prosecution that the present applicants along with other accused persons murdered deceased Ganpat.

4. Learned counsel for the applicants submits that there is no evidence of enmity between the complainant or the deceased and the accused persons. There is no motive attributed to the applicants. The injuries, as could be noticed from the postmortem notes speak of brain injury, as the body was found on the railway track.

5. Learned A.P.P. opposed the bail application and invited my attention to the statement of witness Maroti, who is a rickshaw driver, Santosh Karpe, waiter of the hotel in which accused persons and the deceased had gone before death of Ganpat. Witness Vinod Renewade is bar owner. By referring these statements, learned A.P.P. Submits that there is direct evidence against applicant no.2 Suresh.

6. From the papers of investigation, it appears that the main allegations of committing murder are against another accused Maroti Bhimrao Yamalwad and allegations against the present applicants are in reference to assisting accused Maroti while committing murder.

7. Further it is seen from the record that the incident took place on 4.6.2015 and the first information report was lodged on 1.9.2015. So there is delay of about three months.

8. Since the main accused, against whom there are allegations of committing murder of deceased, has been released on bail by this court in Criminal Application No. 7053 of 2016, in my opinion, present applicants are also entitled for bail on the ground of parity.

9. Hence, Criminal Application is allowed.

(i) The applicants are released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

(ii) The applicants shall neither influence the prosecution witnesses nor shall tamper the prosecution evidence.

Criminal Application stands allowed in the above terms and disposed of.

(K.L.WADANE, J.)

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