

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

CRIMINAL APPLICATION NO. 2471 OF 2017

Bhagyashri w/o Dnyanoba Munde ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. S.J.Salunke, advocate for the applicant

Mr. K.N.Lokhande, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 12th JUNE, 2017

O R D E R :

Heard learned counsel for the applicant
and learned A.P.P. for respondent.

2. The present application is filed under the
provisions of Section 438 of the Criminal
Procedure Code, in connection with Crime No. 41 of
2017 for the offences punishable under Sections
302, 120(B) of the Indian Penal Code, registered
at Pimpaldari, District Parbhani on 11.4.2017.

3. One Nagendra Chatpalliwar lodged complaint
to the police station Pimpaldari alleging that his
adopted son Vicky went with the present applicant
and other accused persons on 7.4.2017 to Shegaon.

According to the complainant, present applicant and other accused persons committed murder of Vicky.

4. I have perused the papers of investigation. The only circumstance appearing against present applicant was that he was seen in the company of deceased and was sitting in the car along with other accused persons. However, there is no further connecting circumstance to show that present applicant was accompanying the other accused at the time of alleged offence. The dead body of the victim was found in the well in the land of another accused Dnyanoba the husband of the applicant. Except the above circumstance, nothing is brought on record to show connection of the present applicants with the alleged crime. The applicant is, therefore, entitled for anticipatory bail.

5. Hence, Criminal Application is allowed.

(i) Applicant be released on bail in connection with Crime No. 41 of 2017 for the offences punishable under Sections 302, 120(B) of

the Indian Penal Code, registered at Pimpaldari, District Parbhani on furnishing P.R. bond of Rs. 25,000/- with one surety in the like amount.

(ii) Applicant shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

(iii) Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2471.17