

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

CRIMINAL APPLICATION NO. 2773 OF 2017
IN
CRIMINAL APPEAL NO. 224 OF 2017

Babu s/o Limbaji Kale
Age 32 years Occu.Labour
R/o Kumbhari, Taluka and
District Beed, at present
Balaji Nagar, Indrayani Chowk,
MIDC, Bhosari, Pune

.. Applicant

Versus

The State of Maharashtra,
through Police Inspector,
Neknoor Police Station,
Taluka and District Beed

.. Respondents

Mr A.L. Kanade, Advocate for applicant
Ms S.S. Raut, A.P.P. for respondent

**CORAM : S.S. SHINDE AND
A.M. DHAVAL, JJ**

DATE : 18th August 2017

PER COURT

1. Heard learned Counsel appearing for the applicant and learned A.P.P. for the State.
2. Perused the findings recorded by the trial Court and in particular in respect of present applicant/appellant. From the evidence of prosecution witnesses, it appears that there was conspiracy to kill the deceased Uddhav Survase. We have perused the statements of the witnesses. The fact that the vehicle involved in the incident is belonging to the applicant/appellant is not in dispute. The assailants were brought to the spot of incident by the vehicle driven by the applicant/appellant and the said vehicle had given dash to the vehicle

of the deceased and immediately there was murderous assault on the deceased Uddhav Survase. PW-19 Vitthal Raosaheb Shelke has deposed that after the incident, he had dropped the applicant/appellant in his vehicle from Jamkhed to Pune. In view of the statements of the witnesses and other material placed on record by the prosecution, it is not appropriate to entertain the present application for bail.

3. For the reasons aforesaid, we are not inclined to entertain the application for bail. As such, Criminal Application for bail stands rejected.

4. The Registry shall send the record and proceedings to the Registry of Sessions Court, Beed. Upon receiving the record and proceedings, the Registrar of concerned Court to prepare the paper-book and send back the same along with original record and proceedings to the Registry of this Court, expeditiously.

5. After receipt of paper-book and record, liberty to apply for early hearing of the appeal.

(A.M. DHAVAL, J.)

(S.S. SHINDE, J.)