

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

CRIMINAL APPLICATION NO. 2941 OF 2017

Balaji s/o Laxman Sapnar
and another

... Applicants

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. D.M.Shinde, advocate for the applicants
Mr. A.A.Jagatkar, A.P.P for respondent

.....

CORAM : K.L.WADANE, J.

DATED : 17th JULY, 2017

O R D E R :

Heard Mr. D.M.Shinde, learned counsel for the applicants and Mr. A.A.Jagatkar, learned A.P.P. for respondent.

2. Perused the contents of the first information report, the order passed by the learned Sessions Judge and the statement of witnesses Aruna Mhaske and Vasant Mhaske. On perusal of the same, it appears that the allegations against present applicants are that they have dispute with Dilip Mhaske and other accused over landed property. On 6.2.2017 at

evening there was quarrel between Dilip Keshavrao Mhaske and present applicants. The said dispute was settled by the villagers.

3. On 7.2.2017 the informant Aruna Mhaske found that her husband was not in the house, therefore, she sent the daughter and mother-in-law to the field. At about 7.30 p.m. her nephew Vilas came to the house and informed that the present applicants Balaji and Rajaram assaulted Dilip with the help of wooden sticks and committed the murder. From the statement of witnesses Govind Mhaske, Vasant Mhaske, it appears that both of them have noticed that present applicants and other accused were running from the spot of incident towards their village. Their statement to that effect is absolutely consistent. Postmortem report shows that deceased died due to multiple injuries including fracture of the skull.

4. Thus, considering the fact that there was quarrel one day before the incident between the deceased and present applicants, prima facie, I am of the opinion that the applicants are not

entitled for bail.

5. Hence, Criminal Application is rejected.

(K.L.WADANE, J.)

dbm