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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2770 OF 2018

Pravin @ Baban Mayaram Patil & Anr. ..Applicants.

V/s.

The State of Maharashtra ..Respondent.

Mr.Aniket U.Nikam i/b. Vivek N.Arote for the applicants.

Mr.A.A. Palkar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 18, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. In crime No.I-98/2018 for offence punishable under sections 302, 201 and 102B of the Indian Penal Code registered with Malegaon Taluka police station, District Nashik, the applicant is seeking regular bail.

3. The cause of death in present case is 'asphyxia due to drowning' in a well. The body of deceased was discovered at the behest of accused No.1.

4. The present applicant Nos.1 and 2 are seeking regular

bail based on parity as accused No.1 Rupesh was already ordered to be released vide order dated October 26, 2018 passed in Bail Application No.2067 of 2018 for offence punishable under sections 302, 201 and 120B of the Indian Penal Code.

5. The applicants are charge-sheeted.
6. The discovery as observed hereinabove under section 27 of the Evidence Act was made at the behest of accused No.1, thereafter at the behest of the present applicant No.2 during his custody in Crime No.37/2015 after the co-accused Rupesh was arrested in Crime No.I-98/2018.
7. Considering the cause of death noted in the case and in absence of injuries and the fact that the main accused Rupesh is ordered to be released in the present crime on October 26, 2018, for the reasons recorded in the said order, the present applicant also deserves to be released on bail on the same terms and conditions.
8. The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)