

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

BAIL APPLICATION NO. 512 OF 2022

Pintu @ Vijay s/o Ramkishan Yelewad	... Applicant
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 555 OF 2022**

1) Balu @ Ajay Ramkishan Yelewad	
2) Sheru @ Akshay Ramkishan Yelewad	... Applicants
Versus	
The State of Maharashtra	... Respondent

**WITH
BAIL APPLICATION NO. 719 OF 2022**

1) Ramkishan Nagorao Yelewad	
2) Dilip Mahadav Yelewad	
3) Gajanan Bhanudas Yelewad	... Applicants
Versus	
The State of Maharashtra	... Respondent

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Mr. Ashwin V. Sakolkar Advocate h/f Mr. V. G. Sakolkar, Advocate for applicants

Mr. G. O. Wattamwar, APP for respondent – State

Mr. U. B. Bilolikar, Advocate for the informant

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CORAM : R. G. AVACHAT, J.

DATED : 11th JULY, 2022

PER COURT :-

These are the applications for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.324/2021, registered with Mukhed Police

Station, District Nanded, for the offence punishable under Sections 143, 147, 148, 149, 302, 201, 323, 324 of the Indian Penal Code.

2. Heard the learned Advocate for the applicants, the learned APP and the learned Advocate representing the informant.

3. The First Information Report (FIR) has been lodged based on hearsay. There is only one eye witness account of Manisha at whose residence the deceased was killed. As per her statement recorded, she too was assaulted. Her statement was recorded within 48 hours of the incident. She has named the assailants. As regards others names figured in her statement, namely, Yelwad family members, the same is based on hearsay.

4. So far as regards material against the applicants herein is concerned, there are statements of Balaji Durnale and Narayan Durnale. Admittedly, the statements of these two have been recorded fifteen days after the alleged offence. It is informed that one of the accused, whose name was taken by these two witnesses, was admittedly found at Pimpri – Chinchwad and therefore, the Investigating Officer has dropped him from the charge-sheet. This material casts serious doubt on the version of two persons who

claimed to have witnessed the persons running away after the incident. It is reiterated that the statements of these two have been recorded 15 days after the date of the incident.

5. In the circumstances, this Court is inclined to grant bail to these applicants. Hence, following order:

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants shall be released on bail in connection with Crime No.0324/2021, registered with Mukhed Police Station, District Nanded, for the offence punishable under Sections 143, 147, 148, 149, 302, 201, 323, 324 of the Indian Penal Code on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each in the like amount.
- (iii) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]