

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

BAIL APPLICATION NO. 1185 OF 2022

1] Vijay @ Vijaykumar Ramdas Mane	
2] Pandurang Machindra Mane	... Applicants
Versus	
The State of Maharashtra	... Respondent

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Mr. Nilesh S. Ghanekar, Advocate for applicants
Mr. R. B. Bagul, APP for respondent - State

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CORAM : R. G. AVACHAT, J.
DATED : 06th SEPTEMBER, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0179/2022, registered at Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 323, 504 r/w 34 of the Indian Penal Code.

2. After having heard the learned Advocate for the applicants, the Court expressed disinclination to grant bail to applicant No.1 Vijay. He, therefore, came around to withdraw the application of applicant No.1 with liberty to move again.

3. The Bail Application of applicant No.1 stands disposed of as withdrawn. The applicant Vijay, may move application for bail after a period of six months from the date of this order if the trial does not get over within that time.

4. The learned APP would, on the other hand, submit that the applicant No.2 has contributed to the cause of death of the deceased. The applicant No.2 has beaten up to the deceased mercilessly. He, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR and the related papers. On investigation, the charge-sheet has been filed. The applicant No.2, Pandurang was just passing by while quarrel between the deceased and the applicant No.1 was in progress. The applicant No.1 has assaulted the deceased with a bamboo, while applicant No.2 is alleged to have beaten up with fist and kicks. The deceased died after five days of the incident. The Court proposes to refrain from making any observations regarding merits of the matter. Suffice it to say that considering the role played by the applicant No.2 in the offence in question and the fact that the charge-sheet has been filed, the Court is inclined to grant him bail. Hence, following order :

ORDER

- (i) The Bail Application of applicant No.2 is allowed.
- (ii) The applicant No.2 Pandurang Machindra Mane be released on bail in connection with Crime No.0179/2022, registered at Karjat Police Station, District Ahmednagar, for the offences punishable under Sections 302, 323, 504 r/w 34 of the Indian Penal Code, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant No.2 shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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