

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

**BAIL APPLICATION NO. 1346 OF 2022**

Vilas @ Ram Maruti Dange

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

**WITH  
BAIL APPLICATION NO. 1181 OF 2022**

Bhaskar Kishanrao Wankhede

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.S. Gangakhedkar, Advocate for applicant in BA/1346/2022

Mr. A.B. Kharosekar, Advocate for applicant in BA/1181/2022

Mr. V.S. Badakh, A.P.P. for respondent - State

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**CORAM : R.G. AVACHAT, J.**

**DATE : 06<sup>th</sup> SEPTEMBER, 2022**

**PER COURT :**

1. Both these applications for bail under Section 439 of Code of Criminal Procedure are being decided by this common order since they arise from one and the same crime. The applicants have been arrested in connection with Crime No. 4 of 2022 registered with Himayatnagar Police Station, Dist. Nanded for the offences punishable under Sections 302, 307, 324, 326, 109, 143, 147, 148, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

2. Heard. Perused the First Information Report (“F.I.R.”) and related police papers.

3. Both the applicants have not been attributed with any overt act in the supplementary statement given by the victim next day of registration of the F.I.R. Applicant – Vilas is attributed with a role of having caught hold of the deceased so as to facilitate assault on him by co-accused – Gurumaharaj Swami. Applicant – Bhaskar is alleged to have triggered the quarrel. He has not been attributed with any overt act. In the statements of other eye witnesses also no overt act has been attributed to the present applicants. The fatal assault has been attributed to co-accused – Gurumaharaj Swami, who is not before this Court. On investigation, the charge-sheet has been filed. In view of these facts and considering the role attributed to the applicants herein, the Court is inclined to grant the applicants bail.

4. In view of above, the applications deserve to be allowed. Hence I pass the following order :-

### **ORDER**

(I) The bail applications are allowed.

(II) The applicants be released on bail, in connection with Crime No. 4 of 2022 registered with Himayatnagar Police Station, Dist. Nanded for the offences punishable under Sections

302, 307, 324, 326, 109, 143, 147, 148, 504 and 506 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(III) The applicants shall not tamper with the prosecution evidence.

( R.G. AVACHAT, J. )

SSD