

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

BAIL APPLICATION NO. 1492 OF 2021

Avinash Datta Mane

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

WITH

BAIL APPLICATION NO. 1495 OF 2021

Bibhishan Raosaheb Solunke

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.S. Jadhav, Advocate for applicants

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

....

CORAM : R.G. AVACHAT, J.

DATE : 18th JULY, 2022

PER COURT :

1. These are the applications for bail under Section 439 of Code of Criminal Procedure. The applicants have been arrested in connection with Crime No. 126 of 2020 registered with Kasar-Shirshi Police Station, Dist. Latur for the offences punishable under Sections 302, 326, 324, 323, 506, 337, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

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

3. Earlier bail application moved by applicant – Bibhishan Solunke was rejected by this Court on merits. Applicant – Avinash Mane has withdrawn his earlier bail application since the Court was not inclined to grant him bail.

4. It is informed that post disposal of those earlier bail applications, there is change in the circumstances. Similarly placed three co-accused have been granted bail by this Court.

5. Learned A.P.P. has opposed to grant these applications.

6. Accused No.1 – Vidyaman, who committed the murder, is behind the bars. Criminal liability of both these applicants is sought to be invoked on the basis of Section 149 of the Indian Penal Code. Since similarly placed co-accused have been granted bail, present applications deserve to be allowed. Hence I pass the following order :-

ORDER

(I) Both the bail applications are allowed.

(II) Both the applicants be released, in connection with Crime No. 126 of 2020 registered with Kasar-Shirshi Police Station,

Dist. Latur for the offences punishable under Sections 302, 326, 324, 323, 506, 337, 143, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, on executing P.R. Bonds 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