

Versus

WITH

CRIMINAL BAIL APPLICATION NO. 2143 OF 2022

Versus

The State of Maharashtra ... Respondent

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Dr. Uday Warunjikar alongwith Mr. Siddharth Pilankar for the Applicant
in BA-1821-2022.

Mr. Ashok Mundargi, Senior Advocate alongwith Mr. S.M. Devkar instructed by Manisha Devkar for the Applicant in BA-2143-2022.

Mr. A.R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 19 OCTOBER 2022

P.C. :-

These bail applications are filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicants came to be arrested in Crime No. 29 of 2022 registered at Velapur Police Station, Solapur for the offence punishable under Sections 302, 364 r/w. 34 of Indian Penal Code.

3. It is the case of the prosecution that on 15th February 2022, the present applicants alongwith other co-accused assaulted the deceased by plastic pipe and committed his murder.

4. I have heard the learned Senior Counsel Mr. Mundargi for the applicant in Bail Application No.2143 of 2022, the learned Counsel Mr. Warunjikar for the applicant in Bail Application No.1821 of 2022 and the learned APP for the State.

5. According to the prosecution, Kishor Wagh, son of the deceased is the eye-witness to the incident.

6. I have perused the statement of the said Kishor Wagh. He has not attributed any overt act in the alleged crime to the applicant Ganesh Patil in Criminal Bail Application No.1821 of 2022. According to him, the co-accused Shivaji Gaikwad and Ramkrushna Waghmode assaulted the deceased by plastic pipe at the instigation the applicant Rahul Mane in Criminal Bail Application No.2143 of 2022. However, no motive is attributed to the applicant – Rahul Mane for the alleged instigation. Considering these facts, I am inclined to release the applicants on bail. Hence, the following order is passed :

(i) Applications are allowed.

(ii) The applicants - Shriyash @ Ganesh Sanjay Patil and Rahul Madhavrao Mane-Deshmukh be released on bail in Crime No. 29 of 2022

registered at Velapur Police Station, Solapur for the offence punishable under Sections 302, 364 r/w. 34 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

(iii) The applicants shall not give any threat or inducement to the prosecution witnesses.

(N.R. BORKAR, J.)