



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

937 BAIL APPLICATION NO. 62 OF 2024

RAMESHWAR VENKAT MARLAPALLE  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. Joydeep Chatterji.  
APP for Respondent/State : Mr. Mukesh K. Goyanka.  
...

CORAM : **SANJAY A. DESHMUKH, J.**  
DATE : 31<sup>st</sup> January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.0110 of 2023, registered with Kingaon Police Station, District Latur, for the offences punishable under Sections 302, 201 and 177 read with 34 of the Indian Penal Code.

3 The allegations against this applicant are that he committed murder of his father, alongwith his brother and mother as he was addicted to the liquor. It is alleged that the applicant and other accused assaulted his father by the blunt side of the axe and then they made drama that father fell from the slap of the house.

4           The learned counsel for applicant submitted that on the basis of confessional statement of the applicant and other accused, the applicant is arrested. The co-accused, brother of the applicant, is released on bail. The applicant is falsely implicated in the crime. He has roots in the society. It is lastly prayed to allow the application.

5           The learned APP for the State strongly opposed the application and submitted that the applicant is main accused and the axe is seized at his instance under Section 27 of the Indian Evidence Act. The applicant is involved in the serious crime of murder of his father. It is lastly prayed to reject the application.

6           Perused the charge-sheet, particularly, the postmortem report. Colum No.17 of the postmortem report shows three wounds; laceration above right ankle 2x1x½ cms, C.L.W. above right eyebrow 3x2x1 cms and laceration over the right side of elbow 2x1x1 cms. The cause of death is “Head injury with fracture of skull bone with Intracranial Hemorrhage”. While granting bail to the co-accused, this Court by order dated 19<sup>th</sup> December, 2023 passed in Bail Application No.2212 of 2023, held that confessional statement of the accused cannot be accepted as admissible piece of evidence. It is barred under Section 25 of the Evidence Act.

7           The practical investigation is over. The applicant is a student of B.Sc. He has roots in the society. He has no criminal antecedents. The trial will take long period. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

### **ORDER**

- I.     The application is allowed.
- II.    The applicant in connection with Crime No.0110 of 2023, registered with Kingaon Police Station, District Latur, for the offences punishable under Sections 302, 201 and 177 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
  - a)     The applicant shall not pressurize the witnesses.
  - b)     The applicant shall not tamper with the prosecution evidence, in any manner.

**[ SANJAY A. DESHMUKH, J. ]**

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