

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

CRIMINAL APPLICATION NO. 5789 OF 2015

BHARAT LAHU AGALE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. D. G. Nagode.
APP for Respondent : Mr. A. R. Kale.

...

CORAM : **INDIRA K. JAIN, J.**

DATE : 21st November, 2015.

ORDER:

. Heard learned counsel for the parties.

2 Applicant is involved in Crime No.I-154 of 2014 registered at Supa Police Station, Taluka Parner, District Ahmednagar for the offences punishable under Sections 302, 364, 176, 201, 202, 120-B read with 34 of the Indian Penal Code.

3 Above said crime is registered against six Accused. Vide order dated 11th August, 2015 in Criminal Application Nos.4116 and 3941 of 2015 and order dated 15th October, 2015 in Criminal Application Nos.5475, 4619 and 4620 of 2015, other five Accused have been enlarged on bail by this Court.

4 This Applicant had not pressed Criminal Application No.2910 of 2015. The same was withdrawn and application was dismissed being withdrawn as per order dated 23rd June, 2015.

5 Learned APP vehemently contended that there is recovery of Lathi at the instance of present Applicant showing his *prima-facie* involvement in commission of murder and conspiracy with co-Accused Rajnikant. Learned APP further submits that rule of parity would not apply in case of Applicant as there is ample evidence against him and learned APP prays to reject the application for bail.

6 On going through the police papers it can be seen that main Accused Mohmad Shaikh and Godavaribai wife of deceased have been released on bail. It is the case of prosecution that Godavaribai and Mohmad Shaikh had illicit relations. Deceased Navnath was the husband of Godavaribai. So Accused conspired and killed Navnath.

7 Main role is attributed to Accused Mohmad Shaikh and Godavaribai. Recovery of Lathi alone would not be enough to show *prima-facie* involvement of Applicant. The case against applicant is of lesser gravity. So rule of parity would be attracted. On the rule of

parity application deserves to be allowed. Hence the following order:

ORDER

- I. Criminal Application No.5789 of 2015 is allowed.
- II. Applicant Bharat Lahu Agale be released on bail in connection with Crime No.I-154 of 2014 registered at Supa Police Station, Taluka Parner, District Ahmednagar for the offences punishable under Sections 302, 364, 176, 201, 202, 120-B read with 34 of the Indian Penal Code, on P.R. and S.B. of Rs.15,000/- each.
- III. He shall not tamper with the prosecution evidence and shall make himself available as and when required by Investigating Agency.

[INDIRA K. JAIN, J.]

ndm