

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

CRIMINAL APPLICATION NO. 5892 OF 2015

Bhata Shankar Shete & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. D.B.Thoke, Advocate for Applicants.

Mr. G.O.Wattamwar, A.P.P. for Resp. - State.

Mr. P.B.Patil, Advocate for assist to A.P.P.

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CORAM : INDIRA K. JAIN, J.

DATE : 23rd DECEMBER, 2015

ORAL ORDER :-

. Here is an application for regular bail in Crime No. 29/2015 registered at Mehunbare police station, Taluka Chalisgaon, district Jalgaon for the offences punishable u/ss 302,324,323,143,146,147,148, 149,504,506 of the Indian Penal Code, u/s 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and u/ss 37 (1) (3) read with 135 of the Bombay Police Act.

2. Heard Mr. D.B.Thoke, learned counsel for applicants and Mr. G.O.Wattamwar, learned A.P.P. for

Respondent – State assisted by Mr. P.B.Patil, learned counsel for complainant. Perused case papers.

3. It is the case of prosecution that applicants along with seven others formed an unlawful assembly and caused murder of Lahu Bhaurao More by assaulting him with iron pipes, iron rods and sticks. Incident had taken place in the back-ground of elections of member of Legislative Assembly.

4. As can be seen from F.I.R., main role is attributed to Sachin Bhata Shete. This court vide orders dated 31/08/2015 and 19/10/2015 passed in Criminal Application No. 4327 of 2015 and connected applications enlarged six accused persons on bail. The role attributed to present applicants is almost identical to the role alleged against the co-accused who have been already released on bail. Hence on the rule of parity applicants are entitled for their release on bail. Accordingly the following order.

ORDER

- (i) Criminal Application No. 5892 of 2015 is allowed.
- (ii) Applicant No. 1 Bhata Shankar Shete and applicant No. 2 Deepak Sumant Shete are released on bail in Crime No. 29/2015 registered at Mehunbare police station,

Taluka Chalisgaon, district Jalgaon for the offences punishable u/ss 302,324,323,143, 146,147,148,149,504,506 of the Indian Penal Code, u/s 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and u/ss 37 (1) (3) read with 135 of the Bombay Police Act on furnishing P.R. and S.B. of ₹ 15,000/- [Rupees Fifteen Thousand] each.

- (iii) Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.
- (iv) Bail before the trial Court.

[INDIRA K. JAIN]
JUDGE