

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

CRIMINAL APPLICATION NO. 5909 OF 2015

Kachru s/o Dashrath Wanole **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. G.P.Shinde, Advocate for Applicant.

Mr. A.R.Kale, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 9th DECEMBER, 2015

ORAL ORDER :-

. Here is an application for pre-arrest bail in Crime No. 56/2015 registered at Himayatnagar police station, Taluka Himayatnagar, district Nanded for the offences punishable u/ss 302,306,201 read with 34 of the Indian Penal Code.

2. Heard Mr. G.P.Shinde, learned counsel for applicant and Mr. A.R.Kale, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. Learned counsel for applicant submitted that similarly situated two accused have been granted anticipatory bail by this Court vide Order dated

21/10/2015 passed in Criminal Application No. 4830 of 2015. Learned counsel submits that on the rule of parity, applicant be granted the same protection.

4. Learned A.P.P. resisted the application on the ground that offences are serious and prima facie involvement of applicant is made out since deceased was residing with applicant and his family members. Learned A.P.P. submits that rule of parity would not attract in case of applicant.

5. On perusal of F.I.R. it is apparent that role attributed to applicant and two other accused Godawaribai and Sundarbai is identical. Considering the role attributed to applicant and co-accused who have been granted protection this Court is inclined to allow the application on parity. Hence the following order.

ORDER

- (i) Criminal Application No. 5909 of 2015 is allowed.
- (ii) In the event of arrest of applicant Kachru s/o Dashrath Wanole in Crime No. 56/2015 registered at Himayatnagar police station, Taluka Himayatnagar, district Nanded for the offences punishable u/ss 302,306,201 read with 34 of the Indian Penal Code he shall be released on bail on P.R. and S.B. of

₹ 15,000/- [Rupees Fifteen Thousand] each
with one surety in the like amount.

- (iii) Applicant shall not tamper with the
prosecution evidence and shall make himself
available as and when required.

[INDIRA K. JAIN]
JUDGE