

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

Criminal Application No.7102 of 2014

Rahul s/o Digambar Hiwale
And Another.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. N.S. Ghanekar, Advocate, for applicants.

Smt. M.A. Deshpande, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 17th FEBRUARY 2015

ORDER:

1) The application is filed for bail. Both the sides
are heard.

2) The previous application of the present
applicants, bearing Criminal Application No.4727/2014
was rejected by this Court on merits on 11-9-2014.
Learned counsel for the applicants submitted in Criminal
Application No.6679/2014 by order dated 20-12-2014 the

other Hon'ble Judge granted bail to one Dhondiram. He submitted that the material as against Dhondiram is not of different nature and so present applicants are entitled to get relief of bail.

3) Time was given to the learned counsel for the applicants to show as to how this Court will have to grant relief to the present applicants when on merits this Court had rejected bail to the applicants prior to the order made by other Hon'ble Judge. No such law is shown to this Court. On the other hand, the order made by other Hon'ble Judge dated 20-12-2014 shows that the order made by this Court on 11-9-2014 was not brought to the notice of the other Hon'ble Judge.

4) This Court had considered the material available against both the applicants and based on that material this Court had already observed that it cannot be said that there was no intention to murder. This Court had observed that it was a brutal attack and no mercy shown on the deceased when they attacked. Nobody dared to approach police immediately on that night and they had

no courage even to shift the deceased to hospital due to fear of the applicants. Thus, possibility of tampering with the witnesses etc. was also considered by this Court. This Court holds that grant of relief by other Hon'ble judge to other accused on 20-12-2014 cannot be a change in circumstances for the present applicants. This Court holds that parity cannot be used in favour of the present applicants.

5) In the result, the application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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