

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

CRIMINAL APPLICATION NO.6114 OF 2015

Raju s/o Jagannath Bothe,
Age 21 years, Occu. Agril.,
R/o Kumbhari, Taluka Jintur,
District Parbhani

..Applicant

Versus

The State of Maharashtra,
Through Police Station, Bori,
District Parbhani

..Respondent

Mr V.P.Latange, Advocate for applicant
Mr A.S. Shinde, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 5th January 2016

PER COURT

Heard.

2. The applicant is seeking regular bail in Crime No.20 of 2015 registered at Bori Police Station, Taluka Jintur, District Parbhani, for the offences punishable under Section 302, 307, 201 read with Sec. 34 of Indian Penal Code.

3. The applicant is seeking bail on two counts, (a) that the charge-sheet in the matter is already filed, as the investigation is complete and as such, no more detention is necessary; (b) that the other accused against whom the similar accusations were made is already released on pre-arrest bail.

4. The application is opposed by learned A.P.P. on the ground that there are eye witnesses to the incident. According to him, the victim

Pandurang has already stated in his statement attributing specific role to the applicant. In addition, he has invited my attention to the extra-judicial confession. Learned A.P.P. then would urge that the other accused with whom the parity is claimed is aged about 80 years and the nature of evidence available against the applicant and the said accused cannot be treated at par and the liberty of parity cannot be invoked.

5. Having bestowed my anxious thoughts to the submissions made and upon perusal of the charge-sheet, there depicts sufficient evidence on record, particularly in the statement of Pandurang and the other witnesses, which demonstrate prima facie involvement of the applicant in the commission of crime in question. The parity cannot be given to the applicant, having regard to the age of the said accused who is aged about 80 years and the material evidence available against the applicant.

6. As such, application fails, stands rejected.

(N.W. SAMBRE, J.)

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