

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

CRIMINAL APPLICATION NO.6890 OF 2015

1. Dada @ Santram s/o Vishnu
Jagdale, Age 25 years, Occu.Agri.,
2. Shankar Sahebrao Bahir,
Age 48 years, Occu. Agri.,
3. Ashok Balu Bahir,
Age 19 years, Occu. Agri.,
4. Balu Tatyaba Bahir,
Age 43 years, Occu. Agri., ..Applicants

All R/o Katewadi, Taluka Jamkhed,
District Ahmedagar (now in Jail)

Versus

- . The State of Maharashtra ..Respondent

Mr N.C. Garud, Advocate for applicants
Mr K.D. Munde, A.P.P. for respondent
Mr R.P. Phatke, Advocate for complainant, assisting the A.P.P.

CORAM : N.W. SAMBRE, J.

DATE : 19th January 2016

PER COURT

Heard.

2. The applicants are seeking regular bail in Sessions Case No.265 of 2014 filed on the basis of C.R.No.I-76/2014, for the offences punishable under Sections 302, 452, 325, 324, 143, 147, 148, 149, 323, 504, 506 of Indian Penal Code and under Section 3/25, 4/25 of Arms Act.

3. Learned Counsel for the applicants Mr Garud submits that the applicants are claiming bail on the basis of parity and has invited attention of this Court to the order passed in Criminal Application No.5709 of 2015 on 30th November 2015. He would then submit that apart from above, as the Sessions trial has already commenced, detention of the applicants is no more necessary, as there is no specific overt act attributed to the applicants and there are omnibus allegations against the applicants.

4. Learned Counsel for the complainant, while assisting the learned A.P.P. has opposed the application. Learned A.P.P. submits that the bail, as was granted to the accused in Criminal Application No.5709 of 2015 was based on the earlier order passed by the learned Sessions Court in which all the applicants were ladies and invited my attention to the order dated 18th September 2014 passed below Exhibit 1 in Criminal Misc. Application No.944 of 2014 by the learned Additional Sessions Judge Ahmednagar. According to him, the applicants have not brought to the notice of this Court the orders of withdrawal/rejection passed in Criminal Application No.1029 of 2015, Criminal Application No.5782 of 2014 and Criminal Application No.5643 of 2014, while passing the order dated 30th November 2015 in Criminal Application No.5709 of 2015 granting bail to Bhausahab, He would then submit that as there are eye witnesses to the incident, the application be rejected.

5. With the assistance, I have perused the entire charge-sheet.
6. There are eye witnesses to the incident in question and the applicants claimed to have armed with the weapons for commission of crime. There are two murders committed in the crime in question, one is of father and the another of brother of the complainant.
7. Apart from above, perusal of the post mortem report depicts the death was due to hemorrhage and multiple injuries caused over the head and body because of assault.
8. The cause of death narrated in the post mortem report prima facie coincides with the allegations made against the applicants and statements of eye witnesses.
9. Apart from above, the applicants cannot be granted parity with that of Bhausahab, who is ordered to be released on 30th November 2015 in Criminal Application No.5709 of 2015, when the earlier applications on the similar grounds were already permitted to be withdrawn.
10. In view of above, in my opinion, no case for grant of bail is made out. As such, Criminal Application fails, stands rejected.

(N.W. SAMBRE, J.)

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