

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. BAIL APPLICATION NO. 1354 OF 2016

Shrishail Madivalappa Birajdar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Ritesh Thobde, Advocate for the Applicant.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

Sr.PI-Mr.N.G.Ankushkar (Vijapur Naka Police Station,Solapur)
is present.

CORAM : A. M. BADAR, J.

DATE : 09th AUGUST, 2016

P.C. :

1 The applicant/accused in Crime No. 245 of 2015 registered with Vijapur Naka Police Station, Dist. Solapur for the offences punishable under sections 302, 307, 498-A, 506 r/w. 34 of the Indian Penal Code at the instance of first informant-Shruti Shevgar, by this application under section 439 of the Criminal Procedure Code, is praying for releasing him on bail.

2 Heard the learned counsel appearing for the applicant/accused. The learned counsel for the applicant is claiming bail on the ground of parity, as this court vide order dated 16th April, 2016 released co-accused- Pandit and

Mangal on their bail applications bearing ABA Nos. 607 of 2016 and 210 of 2016. Learned counsel further argued that in her supplementary statement informant-Shruti made several improvements and as those go to the root of the case, those improvements need to be ignored. Learned counsel further drew my attention to the statement of Revansiddha Birajdar and contended that in the light of this statement, according to him, the supplementary statement of informant - Shruti needs to be ignored.

3 Learned APP opposed the application by contending that when co-accused-Pandit and Mangal were released on bail on 16th April, 2016, the application of the present applicant bearing Criminal Bail Application No. 2508 of 2015 was heard by the same learned Judge and after arguing for some time, the learned counsel for the applicant withdrew the application of the present applicant. In addition, the learned APP argued that supplementary statement of informant - Shruti would show that case of the present applicant is not on par with co-accused -Pandit and Mangal. My attention is drawn by the learned APP to para-6 of order dated 16th April, 2016 passed by this court while releasing co-accused-Pandit and Mangal on bail. The reasoning given by this court, while releasing those co-applicants, is to the effect that those applicants had never gone to the house of the deceased on the date of the incident or prior to the incident in question.

4 Perused the chargesheet. The FIR came to be lodged by Shruti Shevgar (sister of deceased Sangita and daughter of deceased Shridevi). Her FIR reveals that main accused-Siddhaling Kamane had murdered informant's sister-Sangita and mother Shridevi on 28.07.2015. This incident happened at parental house of Sangita, who is wife of the main accused-Siddhaling. Informant-Shruti was also injured in this incident and her FIR came to be recorded while she was taking treatment at Civil Hospital, Solapur.

5 Keeping in mind this fact, one will have to look at her supplementary statement dated 04.08.2015. The evidentiary value of the facts asserted in the supplementary statement will have to be judged after her cross-examination. Suffice to state that the supplementary statement of informant - Shruti shows that prior to the incident in question, the present applicant was accompanying main accused Shiddhaling and was threatening the victims of the crime as well as abetting the co-accused Siddhaling in commission of the crime. In this context, reasoning of this court while releasing co-accused-Pandit and Mangal vide order dated 16th April, 2016 will have to be appreciated. Those co-accused were granted bail as they never accompanied the main accused-Siddhaling for visiting the house of victims of this crime. At the same time, this court on the very same day allowed the present applicant to withdraw his bail application no. 2508 of 2015.

6 In the light of this factual position, the present application cannot be entertained and therefore, the same is rejected.

(A. M. BADAR, J.)

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