

Anand

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

BAIL APPLICATION NO. 2730 OF 2017

Siddaram Mahadev Dindore .Applicant

Vs.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION NO. 2731 OF 2017

Shivanand Mahadev Dindore .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. M. S. Mohite i/b. Mr. V. V. Purwant, Advocate, for the Applicants in both matters

Mr. A. A. Palkar, APP, for the Respondent – State in both matters

CORAM : A.S.GADKARI, J.

DATE : 05.12.2017

P.C.

. These are the Applications under Section 439 of Cr. P.C. for bail in CR No. 115 of 2017 registered with Valsang Police Station, District – Solapur under Sections 302, 109, 504, 506 r/w 34 of the Indian Penal Code and under Sections 3 & 25 of the Arms Act.

2. Heard the learned counsel for the Applicants & the learned APP for the State. Perused the charge-sheet.

3. It is the prosecution case that the first informant namely Madhukar D. Dindore and deceased Mallikarjun D. Dindore on one hand were having dispute over agricultural property against their real sister namely Bhagirathi and their mother on the other hand. That Smt. Bhagirathi settled the dispute with her brothers. It is alleged that the Applicants herein alongwith other two co-accused persons were initially instigating Smt. Bhagirathi for disputing her share in the property. However, after settlement of the dispute, the Applicants got angry and questioned the deceased and the first informant about the said settlement as the said settlement had taken place without their consent. That on the date of incident i. e. 19.03.2017 at about 2.00 p.m., accused No. 1 Bapu alias Sharanappa Dindore was carrying a gun, the Applicant – Siddaram was carrying a revolver, the Applicant – Shivanand was carrying an Axe and co-accused – Basavraj was carrying a sickle with them. That accused No. 1 Bapu fired two rounds from his gun on the person of Mallikarjun Dindore. Mallikarjun Dindore was immediately rushed to the hospital and while taking treatment, he succumbed to injuries. During the course of investigation, the Applicants came to be arrested on 01.11.2017 and after completion of investigation, police have submitted charge-sheet.

4. The record indicates that co-accused Basavraj who was

carrying a sickle with him has been released on bail by this Court by an Order dated 07.08.2017. The Applicants have been placed and/or similarly situated as that of Basavraj. The role attributed to the Applicants is that they were accompanying Bapu alias Sharanappa at the time of the said incident and were carrying the said weapons with them. After perusing the Order dated 07.08.2017, this Court is of the considered view that the Applicants are similarly situated as that of Basavraj and the principle of parity is squarely applicable to the Applicants.

5. In view of the above, the Applicants can be released on bail.

Hence, the following Order:

- (i) The Applicants be released on bail in CR No. 115 of 2017 registered with Valsang Police Station, District – Solapur on their furnishing PR bond of Rs. 15,000/- each with one or two solvent local sureties in the like amount;
- (ii) After his release from the jail, the Applicants shall attend Valsang Police Station, District – Solapur on every 1st Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial;
- (iii) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

6. Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)