

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

Cri. BAIL APPLICATION NO. 1860 OF 2018

Keru Bhagwan Madane & Anr.

... Applicants.

V/s.

The State of Maharashtra

... Respondent.

Mr. Rahul Keshav Dhaigude, Advocate for the Applicants.

Miss. Pallavi N. Dabholkar, APP for the State.

Mr. K. S. Deshmukh, PC, Pusegaon Police Station, is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : SEPTEMBER 12, 2018.

PC :

1 This is an application under Section 439 of Criminal Procedure Code, filed by the aforesaid applicants, who are facing trial in Sessions Case and arrested in C.R. No. 174 of 2017 registered with Pusegaon Police Station, Tal. Khatav, Dist. Satara, for offences punishable under Sections 302, 364, 109, 143, 147, 148, read with section 149 of IPC.

2 Heard Mr. Rahul Dhaigude, learned counsel for the applicants, Miss. Pallavi Dabholkar, learned APP for the State.

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Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3 The case of prosecution is that on 11.09.2017 at about 5.20 p.m. there was a quarrel between Nitin Budhawale, Sagar Budhawale and others. It is alleged that on the same day at about 6.30 p.m., while the first informant and his father - Nanaso Budhawale were standing on the road near the house of Nitin Budhawale, the present Applicants and co-accused - Umaji Ganpat Madane alongwith other co-accused came and assaulted them. The first informant has stated that he went home to inform his mother about the incident of assault and when he returned with his mother, they did not find his father and the assailants at the place of the incident. Subsequently, the mother of the first informant lodged a missing report.

4 It is alleged that on 13.09.2017 some of the co-accused threatened the mother of the first informant and told her not to report the matter to the police. On 14.09.2017, the motorcycle of the deceased was found on the bridge, which is near the house of Mallhari Budhawale. On the same day, the

police found the body of the deceased Nanaso Budhawale in some bushes in a hilly area of village Visapur. Suraj Budhawale, therefore, lodged the first information report against the aforesaid applicants and other co-accused for committing murder of his father.

5 It may be mentioned here that by order dated 26th July, 2018 in bail application no. 881 of 2018, this court (Smt. Sadhana S. Jadhav, J.) has granted bail to the co-accused - Umaji Ganpat Madane. The role attributed to said Umaji is similar to the role attributed to the present applicants. Further more, co-accused- Kalu Bhagwan Madane, at whose instance the applicants and other co-accused had allegedly assaulted the deceased, has also been granted bail by order dated 14.06.2018 passed by this court (Smt. Sadhana S. Jadhav, J.) in bail application no. 521 of 2018. Hence, the present applicants, who are similarly placed, would also be entitled for bail on the principle of parity.

5 In the circumstances and in view of the aforesaid discussion, I pass the following order :

- (i) The Bail Application is allowed.
- (ii) The applicants be enlarged on bail on furnishing the P.R.Bond in the sum of Rs. 50,000/- each with one or more solvent sureties in the like amount.
- (iii) The applicants shall not reside in the jurisdiction of Pusegaon for three months after his release. However, the applicants upon being released on bail, shall give their address, cell phone numbers and other details to the concerned police station.

6 Needless to state that the above observations is only for the purpose of deciding this bail application and shall not be construed as expression of any opinion on the merits of the case.

7 The criminal bail application is disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)