

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

**BAIL APPLICATION NO. 1949 OF 2017**

Shivprasad Rammanohar Pandey @ Shastri ... Applicant.  
Versus  
The State of Maharashtra. ... Respondent.

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Mr.Sandeep Mishra, for the applicant. M  
Mr. Y.M. Nakhava, APP for State.

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**CORAM : SMT.SADHANA S. JADHAV,J  
DATE : FEBRUARY 21, 2018**

**P.C.:**

1 Heard the learned Counsel for the applicants and the learned APP for State.

2 This is a subsequent application seeking enlargement on bail. The earlier application was rejected by this Court by order dated 12<sup>th</sup> January 2017 on merits.

3 The learned Counsel for the applicant submits that after rejection of the application seeking enlargement on bail by this Court, the charge is

framed. However, there is no progress in the trial and therefore the applicant has preferred this application. He submits that in fact there are in all 8 accused and except accused Amar Desle and the present applicant, the other accused had been enlarged on bail by the Sessions Court and therefore by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail.

4 The learned Counsel for the applicant has made a frail attempt to draw attention of this Court to the statement of one Hariram Gorakh who happens to be an eye witness. He has specifically stated that the deceased was being assaulted by Amar Desle and the present applicant and 4 others and they were assaulting the deceased with kicks and fist blows and alluminium pipe. The witnesses were driven away.

5 This Court had recorded in the earlier order that according to the first informant who was also an eye witness, Laxman was brutally assaulted by the watchman Shivprasad Pandey and Amar Desle and they have thrown the dead body on the track only to create a scene that it was an accidental death or suicidal death of Laxman. In this case, there is direct

evidence in the form of eye witnesses and there is no reason to discredit the eye witnesses at this stage. Hence, this application is rejected.

6      The learned Sessions Court, Kalyan seises with Sessions Case No. 348 of 2015 shall make every endeavor to conclude recording of evidence as far as possible within one year.

7      Application stands disposed off accordingly.

**(SMT. SADHANA S. JADHAV,J)**