

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 132 OF 2019
IN
CRIMINAL APPEAL NO. 230 OF 2015

Bhausahab Pandurang Garad ... Applicant

Versus

The State of Maharashtra ... Respondent

**ALONG WITH
CONNECTED MATTERS**

Mr. Sudhir Halli for the applicant.

Mr.H.J. Dedhia, APP for the respondent State.

Mr. Swaroop Karade i/by Surel Shah for the Intervener.

**CORAM : B.P. DHARMADHIKARI &
SMT.SWAPNA JOSHI, JJ.**
DATE : JUNE 21, 2019

P.C.:

Criminal Application No. 135 of 2016 moved by the present applicant for bail is rejected by this court on 23/6/2016. The grounds then raised have been looked into. Effort now is to secure the bail on the ground of parity. It is submitted that except applicant all the other accused are already enlarged on bail. The orders pressed into service to claim parity are dated 15/9/2015 and 27/10/2015. Thus these orders were already in existence

when the Criminal Application No.135 of 2016 was filed and came to be rejected.

2. Referring to these orders, later on this Court has enlarged accused Hanmant Bhagwat Garad while passing orders on Criminal Bail Application No.557 of 2017 on 19/4/2017 and Pramod Garad while passing orders on 27/11/2018 on Criminal Application No. 392 of 2018.

3. In the order dated 27/11/2018 the Court has referred to order dated 29/6/2018 on Criminal Application No. 391 of 2018.

4. In the orders on the strength of which parity is claimed, material available against the concerned accused persons has been examined and then orders are passed. Lack of supporting material was not pressed into service when the first application moved by the applicant vide Criminal Application No.135 of 2016 was rejected. We therefore, find substance in the submission of learned APP that the ground of parity is not available. As this court can not hear any appeal against the earlier rejection, error or omissions, if any, in the order dated 23/6/2016 are also not relevant.

5. Learned counsel for the applicant however, submits that the

health of the applicant has deteriorated and considering the period spent by him in jail, he needs to be released on bail. Learned APP submits that there are no pleadings in this respect in the present application.

6. If there are any events subsequent to earlier order or change in the circumstances, if law permits, the applicant can always approach the competent court for necessary reliefs. However, the effort being made on the ground of parity in the present application is misconceived. Hence, with that liberty to the applicant, present application is rejected.

(SMT.SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)