

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2494 OF 2019

Arjun Bhagwan Chavan	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

Mr. Aarif Ali M. Ali, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 25th SEPTEMBER, 2019.

P. C. :-

1. The applicant had earlier approached this Court vide Bail Application No.2163/2018 and this Court (Coram : Anuja Prabhudesai J.) vide order dated 10/10/2018 by giving reasons had rejected his application. After that, the applicant's wife Sunita was granted bail by this Court vide order dated 15/07/2019 in Bail Application No.1445/2019. Thereafter, the applicant has approached this Court again. A specific ground is pleaded in the application as follows ;

“that the Accused No.1 has been enlarged on bail by this Hon’ble Court vide order dtd : 15.07.2019 in Bail Application No.1445 of 2019, therefore, the present

Applicant is also entitled for bail on the grounds of parity”.

2. The applicant is seeking his release on bail in connection with C.R. No.64/2018 registered with Tasgaon Police Station, Sangli u/sec. 302, 114, 109, 504, 506 r/w 34 of I.P.C.

3. A bare perusal of the order dated 15/07/2019 passed in Bail Application No.1445/2019 shows that, there is absolutely no parity in the roles of the applicant and his wife. Pertinent observations in that order is as follows;

“9. I have considered the circumstances in this case. The facts in this case are extremely unfortunate. It is very unnatural that a mother would commit murder of her son for no reason by throttling him. Nothing can be more tragic than this. However, the FIR itself indicates all the circumstances showing how and why this act was committed by the Applicant. Ultimately, these circumstances can be taken into consideration during trial. However, at this stage it is sufficient to observe that the Applicant is not a criminal having any antecedents. She was compelled to

commit murder of her son because her in-laws including her husband were doubting the character and were suspecting paternity of her child. The narration in the FIR indicates that it is not the Applicant, but her husband was responsible for the offence. He had compelled the Applicant to take this step. In this view of the matter, at least for consideration bail, lenient view can be taken at this stage. The Applicant can be directed to be released on bail taking into consideration the unfortunate circumstances under which the incident took place.”

4. In fact there are observations that, the narration in the FIR indicates that, it is not the applicant in that application (wife) but her husband was responsible for the offence. He had compelled the applicant to take this step. Obviously, this by no stretch of imagination means that, the applicant's husband can claim parity with his wife. In this view of the matter, I am not inclined to entertain this application. The application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)