

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 BAIL APPLICATION NO.174 OF 2020

SANJAY S/O. DILIP RAJPUT
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gaware Niteen V.
APP for Respondent : Mrs. D S Jape

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CORAM : V.K. JADHAV, J.
Dated : October 07, 2020

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PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.I-569 of 2019 registered with Shirdi Police Station, District Ahmednagar for the offences punishable under Sections 302, 120-B, 201 read with Section 34 of IPC. His application Exh. 48 in Sessions Case No. 111 of 2019 with similar prayer came to be rejected by the learned Additional Sessions Judge-2 Kopergaon by order dated 6.11.2019.

2. The learned counsel for the applicant submits that, the complaint came to be lodged on the basis of the information given to the complainant by one Akash

Mohan Shejwal. However, during the course of the investigation, it has been revealed that the said Akash Mohan Shejwal is also one of the assailants and as such he has been implicated as an accused in this case. The learned counsel submits that except about disclosure of the name of the co-accused Rohit Nana Veer and other co-accused including the present applicant Sanjay by said Akash Shejwal, who is arraigned as an accused, there is no further connecting evidence against him. The learned counsel submits that the investigation is over and the charge-sheet has been submitted. In the circumstances, the prosecution case at present entirely rests upon the circumstantial evidence. Applicant is in jail since 24.04.2019. Antecedents of the applicant are clear. The applicant is ready to abide any condition, if imposed by this Court. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that there are in all 17 external injuries and 3 internal injuries on the person of

the deceased. It is a brutal murder caused with the help of sharp weapon. The learned APP also submits that during the course of the investigation one weapon sickle came to be recovered at the instance of co-accused Umesh Tanhaji Waidande. There is a strong possibility of tampering the prosecution evidence. The applicant may not be released on bail, in the alternate, stringent conditions may kindly be imposed upon the applicant.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, it appears that except disclosure statement made by one Akash Mohan Shejwal initially there is no further connecting evidence against the co-accused Rohit. The said Akash Mohan Shejwal has also arraigned as one of the accused in connection with the present crime. It has been revealed during the course of the investigation that the said Akash Mohan Shejwal and co-accused Saishubham called upon the deceased Manoj Paik for the dinner party. Antecedents of the applicant are clear.

aaa/-

He is in jail since 24.04.2019. He has a permanent residence and he is easily available for trial. The informant and the other family members are residing in Kalika Nagar, Shirdi. In view of the same, by imposing certain condition, such as not to enter in Shirdi Town till the conclusion of the trial, I am inclined to release the applicant on bail.

By order dated 4.9.2019 this Court (Coram : V K Jadhav, J.) in Bail Application No.1049 of 2019 on the same set of allegations granted bail to co-accused Rohit Nana Veer and by order dated 22.11.2019 in bail application Nos.1270 of 2019 with 1271 of 2019 this Court (Coram : R.G.Avachat, J.) granted bail to co-accused Ramesh Tanhaji Waydande and Kiran Baban Solse, against whom identical allegations have been made. In view of the same, principle of parity stands attracted. Thus, considering the aforesaid discussion and on principle of parity, I am inclined to grant bail to the applicant, on certain conditions. Hence the following order :-

ORDER

1. The application is hereby allowed.
2. The applicant-SANJAY S/O. DILIP RAJPUT in connection with Crime No.I-569 of 2019 registered with Shirdi Police Station, District Ahmednagar for the offences punishable under Sections 302, 120-B, 201 read with Section 34 of IPC, be released on bail on furnishing P.B. of Rs.20,000/- (Rs. Twenty Thousand) with one solvent surety of the like amount on the following conditions :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
 - b] The applicant shall not enter within the limits of Shirdi Town till the conclusion of the trial.
3. Application is accordingly disposed off.

(V.K. JADHAV, J.)

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