

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

BAIL APPLICATION NO.1712 OF 2020

Suresh Subhash Gaikwad ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Harshad Sathe for the Applicant.
Mr. H.J.Dedhia, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 13th AUGUST, 2021.
(Through Video Conferencing)

P.C. :

Heard.

2 Applicant is accused no.7 in the Sessions Case No.189 of 2015 facing the trial for the offences punishable under Sections 302, 120B, 307 read with Section 34 of the Indian Penal Code, 1860.

3 Applicant was apprehended on 4th June, 2015. Although the trial had commenced in November, 2017, yet, it is not concluded. Prosecution has examined five witnesses. Pending trial four accused have been released on bail. It may be stated that vide order dated 9th January, 2018, accused Jugal Babu Dodhia was granted bail by the learned Additional Sessions Judge. Whereafter applicant before me had applied for bail below Exhibit 76. This application was moved on the ground of parity. Application below Exhibit 76 was rejected by the learned Additional Sessions Judge on 28th February, 2020. Whereafter applicant has approached this Court.

4 I have perused the order dated 28th February, 2020 passed below Exhibit 76 in Sessions Case No.189 of 2015. Although the applicant was seeking bail on the principles of parity, the learned Judge has not considered

this aspect nor he has adverted to the evidence already recorded by the prosecution. The only observation made by the learned Judge is that offence being serious in nature, applicant deserves no bail. In my considered opinion, the learned Judge ought to have dealt with application on merits by recording the finding as to whether applicant was entitled to seek bail on the ground of parity.

5 In consideration of this fact, it would be expedient , in the interest of justice, if the learned Sessions Judge considers application below Exhibit 76 on merits and make an endeavour to dispose of the same preferably within two month from the receipt of the copy of this order.

6 Application is disposed of in the aforesaid terms.

7 It is clarified that this Court has not heard the application on merits.

(SANDEEP K. SHINDE, J.)