

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (BA) No. 447 of 2021

(Mohan @ Bapu @ Bapya Khushal Pendam ..vs.. State of Maharashtra through P.S.O., P.S. Ramnagar,
Distt. Chandrapur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anil A. Dhawas, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 05-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is seeking bail in connection with Crime 75/2019 registered with Ramnagar Police Station, District Chandrapur for the offences punishable under Sections 302, 201 and 120(b) read with Section 34 of the Indian Penal Code and the relevant provisions of Indian Arms Act.

3. The incident occurred on 16-1-2019. Two brothers were brutally murdered. The eye witness to the incident unequivocally named the applicant as the assailant. The weapon of offence is recovered at the

behest of the applicant. Considering the material in the charge-sheet holistically, learned Additional Sessions Judge, Chandrapur rejected the bail application, *inter alia*, noting the gravity of the offence, the nature of the evidence, the brutality of the murders and the criminal antecedents of the accused.

4. I have heard the learned counsel Mr. Dhawas and learned Additional Public Prosecutor Mr. Rode and I see no reason to take a view different from that taken by the learned Additional Sessions Judge.

5. The offence is extremely grave. Two brothers are brutally done to death. The material is more than sufficient to *prima facie* connect the applicant with the crime. The fact that the co-accused are released on bail is irrelevant inasmuch as the co-accused who are released on bail are not named by the eye witnesses. The principle of parity has no application.

6. The application is dismissed.

JUDGE