

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

BAIL APPLICATION NO.610 OF 2022

Rahul s/o. Devidas Kale	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.C.V.Thombre, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 22, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0298 of 2020 registered with Sangamner Taluka Police Station, Dist.Ahmednagar, for the offences punishable under Sections 302, 307, 120-B, 109, 201, 212, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.
3. The bail is mainly sought on the ground of parity. Certain authorities have been placed in support of the claim of parity. The Court does not dispute the legal position that if bail is granted to one accused and another one is asking for parity and he makes out such a

case, bail has to be granted to such accused. The facts of the case in hand are other way round.

4. The FIR has been lodged by the victim himself on the very day of the incident. It has been averred therein that there was some quarrel between the parents of the applicant and the father of the informant on 21.06.2022 by 08.00 p.m. The matter was reported to the police. The police authorities had come to the place. A panchnama was also drawn.

5. It is further averred that taking thread of the earlier incident, the applicant along with his father, Devidas, and another co-accused – Rama Gaikwad, came together to the Mutton shop of the informant. They picked up a quarrel with him. The informant's father was very much present there. The applicant herein gave number of stabs to the informant's father, who succumbed thereto.

6. In the FIR, no overt act appears to have been attributed to the applicant's father – Devidas and other co-accused. This Court, therefore, has granted them bail. Here, the applicant has been attributed with fatal blows to the father of the informant. As such, it is not a case of parity. The case is based on direct

evidence. Involvement of the applicant is writ large in the offence punishable under Section 302 of Indian Penal Code. The Court is not, therefore, inclined to grant bail to the applicant.

7. In view of the above, the application is rejected.

8. The observations made herein above are *prima facie* in nature. The trial Court shall not be influenced thereby.

[R.G. AVACHAT, J.]

KBP