

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

BAIL APPLICATION NO. 1242 OF 2022

Karansingh Roopsingh Jarwal

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.S. Khivansara, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATE : 13th SEPTEMBER, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 86 of 2019 registered with Pishor Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 326, 143, 147, 148, 149, 324, 323 and 504 of the Indian Penal Code ('I.P.C.') and under Section 135 of the Maharashtra Police Act.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. This is third application post filing of the charge-sheet. Trial has commenced. 3-4 witnesses have been examined. The bail is mainly sought on the ground of long incarceration and parity as well.

4. Learned A.P.P has strong reservation for grant of the application.
5. The applicant has been behind the bars since 26th April, 2019, i.e. near about three and half years. All the co-accused have been granted bail. The applicant and co-accused are alleged to have committed murder. The cause of death is stated to be multiple injuries. The same indicates the applicant and the co-accused were equally responsible. It is reiterated that all the co-accused have been granted bail. Although 3-4 witnesses have been examined. It is informed that there is counter case for the offence punishable under Section 307 of the I.P.C. Needless to mention that both the cases would be required to be decided simultaneously. It would necessarily take time for conclusion of trial of both the cases.
6. This Court is inclined to grant the applicant bail mainly on the ground of his long incarceration and the fact that all the co-accused have been granted bail.
7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

- (I) The bail application is allowed.
- (II) The applicant be released, in connection with Crime No. 86 of 2019 registered with Pishor Police Station, Dist.

Aurangabad for the offences punishable under Sections 302, 326, 143, 147, 148, 149, 324, 323 and 504 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD