

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 BAIL APPLICATION NO.1665 OF 2022

KISHOR MOTILAL BEDWAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Jarare Prasad D.
APP for Respondent-State : Mr. V. M. Kagne.
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CORAM : S. G. MEHARE, J.
DATE : 20.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has not been named in the FIR. He has been arraigned as an accused subsequently alleging that he took over the chopper hidden behind the wall and gave it to co-accused Avinash and thereafter co-accused Avinash gave it to co-accused Harshal.
3. Learned counsel for the applicant would submit that there is no evidence against the applicant. None of the eye witnesses stated against him that he played an active role in committing the crime. The applicant in fact was a friend of the deceased. The first informant has been arraigned as an accused in the

said crime. The similarly situated co-accused have been released on bail. Hence, he may be granted benefit of parity.

4. Learned APP has strongly opposed the application contending that the applicant was instrumental to supply the deadly weapon to the co-accused. Hence, considering his role, he may not be granted bail.

5. Perused the charge sheet. The bare allegation against the applicant is that he brought the chopper hidden in the wall. The co-accused whom he had handed over the chopper has been granted bail. He also handed over the chopper to another co-accused. Considering the role attributed to the applicant and the bail granted to the similarly situated co-accused, he is entitled to bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant KISHOR MOTILAL BEDWAL be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount, in Crime No.42 of 2022, registered by Police Station Pachora, District Jalgaon, for the offences

punishable under Sections 302, 114, 120-B, 143, 147, 148, 149, 201, 323, 324, 504 of the IPC and Section 37(1)(3) and 135 of the Maharashtra Police Act, on the condition that he shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

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vmk/-