

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO.262 OF 2022

MANDABAI W/O. PRAKASH ARANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Ravindra Vitthal Gore
APP for Respondent No.1/State : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 13-12-2022

PER COURT :-

1. Heard the learned counsel for the applicant.
2. The learned counsel for the applicant is seeking cancellation of bail of respondent No.2 on the ground that the co-accused has been granted bail on considering his age. There is age difference between the applicant Sanjay, who has been granted bail by this Court and present respondent No.2 Vaibhav. The learned counsel for the applicant has vehemently argued that the learned Additional Sessions Judge, Court No.8, Aurangabad has committed serious error. The order is arbitrary and perverse.
3. Perused the order granting bail to accused Sanjay, whose role has been accepted similar to present respondent No.2 as well as the order passed by learned Additional Sessions Judge, Court No.8, Aurangabad.

4. This Court, while granting bail to co-accused Sanjay, has specifically considered the role attributed to him and in addition to his role, his age was also considered. This Court is of the view that, the age is not criterion to consider the parity, but the similar role attributed to the accused. The Court considered the role attributed to the present respondent No.2 while considering the parity. The guiding principle granting bail appears to have been followed while granting bail to respondent No.2. There were no overwhelming circumstances to cancel the bail. It seems a futile attempt of present applicant to seek cancellation of bail. He has no substantial grounds to claim the relief. The order granting bail passed by the learned Additional Sessions Judge, is neither arbitrary nor perverse.

5. The application is devoid of merit, hence, stands dismissed without notice to the respondents.

(S. G. MEHARE)
JUDGE

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