

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1089 OF 2022

Yaduraj Indrajeet Yadav	...	Applicant
<i>Versus</i>		
The Station of Maharashtra	...	Respondent

Mr. Shirish Gupte, Senior Advocate a/w Mr. Jayant Bardeskar for the Applicant.

Mr. A. A. Palkar, APP for the State.

**CORAM : VINAY JOSHI, J.
DATE : 29th APRIL, 2022**

P.C. :-

1. This is an application seeking a regular bail in Crime No. 601 of 2021 registered with Police Station Juna Rajwada, Kolhapur for the offence punishable under Sections 307, 201 and 506 read with 34 of the Indian Penal Code. The applicant's learned senior counsel pointed out that the applicant's name was not mentioned in the FIR and more importantly no one was injured in the alleged occurrence. Likewise bail is claimed on the ground of parity by pointing the release of co-accused Mansing on bail.

2. The State opposed bail on the ground of seriousness of crime. It is contended that fire arms were freely used in the occurrence. The applicant's image was captured in the CCTV footage. Having regard to these facts bail is prayed to be rejected.

3. It is the prosecution case that there was a sibling rivalry at the

instance of ancestral property in between co-accused Mansing and informant Abhijit Bondre. On the date of occurrence, co-accused Mansing had arranged birthday party of applicant Yaduraj Yadav at his residence. After party, they went to the nearby house of informant where co-accused Mansing and applicant have fired by licensed revolver. The informant Abhijit Bondre in his Report dated 14th December, 2021 has stated that alleged occurrence took place at the intervening night of 12th December, 2021 to 13th December, 2021 around 12:30 mid night. Co-accused Mansing (released on bail) has fired towards him, however, he escaped but Mansing fired at the compound wall. CCTV footage of the occurrence was collected from which it emerges that after two hours i.e. at 2:00 p.m. the applicant Yaduraj Yadav also fired 7 to 8 rounds on the compound wall.

4. *Prima-facie* it emerges that initially at around 12:30 a.m. of 13th December, 2021, co-accused Mansing has fired. Possibility of subsequent occurrence of applicant firing on compound wall cannot be ruled out. Admittedly, no one was injured in the occurrence. The informant has not come up with a case that the applicant has fired at his person. The entire allegations are against co-accused Mansing of attempting to commit murder. Having regard to the nature of accusation, this Court vide order dated 12th April, 2022 in Criminal Bail Application No. 735 of 2022 has released co-accused Mansing on bail. It is evident that the role of applicant Yaduraj Yadav cannot be termed grave than Mansing, therefore, the rule of parity would squarely apply. Moreover, learned APP has not pointed out any distinguishing feature to deny the rule of parity.

5. In substance, there are no direct allegations against applicant about firing at the person or informant. Admittedly, nobody was injured in the occurrence. Co-accused having grater role, was already released on bail. Investigation is complete and charge has been filed. Therefore, it is a fit case to exercise judicial jurisdiction in releasing applicant on bail by putting him on certain terms. In view of that following order :-

ORDER

- (a) Applicant namely Yaduraj Indrajeet Yadav is released on bail in connection with the Crime No. 601 of 2021 registered with Police Station Juna Rajwada, Kolhapur for the offence punishable under Sections 307, 201 and 506 read with 34 of the Indian Penal Code, on his furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (c) Applicant stands disposed.

[VINAY JOSHI, J.]

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