

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2157 OF 2022

Dilip Kerba Shende

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr.A.P. Mundargi, Senior Counsel a/w Ms.Pravada Raut Kedar,
L. Gurav i/b Mr.Rohan Hogle, for the Applicant.

Mr.N.B. Patil, AGP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 26 SEPTEMBER 2022

P.C.

. This is second bail Application filed by the Applicant (Accused No.10). The previous Application filed by the Applicant seeking Bail being Criminal Bail Application No.3769 of 2021 was rejected by this Court on 28 February 2022 granting liberty to the Applicant to renew the prayer for bail, after a period of six months, if there is no progress in the trial. This second Bail Application is filed in pursuance of the liberty granted as it is undisputed that there is no progress in the trial and not even charge is framed.

2. I have heard the learned counsel for the parties.
Perused record.

3. Mr.Mundargi, the learned Senior Counsel for the Applicant states that subsequent to the order, passed by this Court some of the co-accused including Dr.Bhagwan Karande (Accused No.17) has been granted bail by the learned Sessions Judge on 16 August 2022 vide order below Exhibit-43 in Sessions Case No.153 of 2022. He states that some of the co-accused who may have a similar or greater role have also been granted bail by the learned Sessions Judge. A copy of the order passed granting bail to Dr.Bhagwan Karande is produced across the bar. He states that considering the fact that Dr. Bhagwan Karande and other co-accused have been granted bail a claim of parity would arise.

4. The learned APP has opposed the Applicant on the ground that no such parity arises, inasmuch as the Applicant along with the Accused No.1 Mrs.Rani Kamble were professing to be Medical Practitioners without having any qualification.

5. I have considered the submissions made. It can be seen that liberty was granted to the Applicant on the earlier occasion to renew the request if there is no progress in the trial after six months. Now that more than seven months have elapsed from the passing of the said order, it is undisputed that even charge is not framed. In the interregnum some of the co-accused including Dr.Bhagwan Karande have been granted bail by the

learned Sessions Judge. In such circumstances, it would be appropriate if the claim of parity is considered by the learned Sessions Judge in the first instance on the basis of the order passed granting bail to the co-accused and any other circumstance which may be pointed out by the Applicant.

6. In that view of the matter, the present Application is disposed of granting liberty to the Applicant to move the learned Sessions Judge afresh for bail. If such an Application is filed, the learned Sessions Judge shall decide the same in accordance with law, without being influenced by the order passed by this Court on 28 February 2022. The Application shall be decided as expeditiously as possible and within a period of three weeks from the filing thereof.

C.V. BHADANG, J.