

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3828 OF 2021

Prashant @ Digya Bhanudas Dighe ...Applicant
Vs.
The State of Maharashtra ... Respondent

Mr.Shilesh Kharat for the Applicant.
Ms.J.S. Lohokare, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 6 APRIL 2022

P.C.

. By this Application, the Applicant (Accused No.3) is seeking release on bail in Crime No.312 of 2017 registered with Phaltan Rural Police Station, District-Satara, under Section 302, 364, 120B read with Section 34 of the Indian Penal Code.

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

3. The Applicant and the co-accused have been chargesheeted on the allegation of having intentionally caused the death of Sachin Vishwanth Thakur, whose dead body was found on 3 December 2017. The case is based on circumstantial

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evidence as there is no eye witness account of the any assault on the deceased, much less by the present Applicant.

4. The learned counsel for the Applicant has relied upon the orders passed by this Court by which the co-accused Kalim Alam Shaikh (A4), Vaibhav Vankar Nagzarkar (A5) and Sushilkumar Suresh Shinde (A6) have been released on bail. The copies of the orders are annexed to the Application.

5. This Application was adjourned, in order to enable the learned APP to go through the record and to examine the ground of parity and then to make appropriate submissions.

6. Today the learned APP has referred to the statement of Sunil Thakur who is brother of deceased Sachin Thakur claims that on 2 December 2017 at about 7.00 p.m. one Chikya Supdya Avchar, who was previously residing in his neighborhood, had telephonically informed Sunil Thakur that the deceased Sachin Thakur is standing near a mango tree along with co-accused Prakash @ Harishchandra Ombase, Satish @ Bandya Ramesh Sagar and Satish @ Bandya Ramesh Sagar, Sushant @ Susha Shinde the present Applicant Prashant @ Hirachandra Ombase and the aforesaid Accused Nos.4,5 and 6 namely Kalim Shaikh, Vaibhav Nazarkar and Sushil Shinde and asking the witness Sunil Thakur to take his brother Sachin Thakur to home.

7. The witness Sunil Thakur claims that he accordingly went to the spot and tried to persuade the deceased to come home. However, the deceased went with the accused in two cars. This Court in order releasing the Applicant Sushilkumar Shinde on bail has noted that the statement of Chikya @ Supdya is not recorded.

8. Be that as it may the only circumstance which is pointed out by the learned APP is about the deceased having accompanied the Applicant and the other co-accused in two cars in the evening of 2 December 2017.

9. The learned APP did not dispute that except the fact that it was the Applicant who had made the deceased sit in the car there are no other circumstance to distinguish the role than the co-accused who have been released on bail.

10. The investigation is complete and the charge-sheet is filed. The Applicant was arrested on 16 December 2017 and he is in custody since then.

11. In such circumstances, accepting the claim of parity the following order is passed.

ORDER

- (i) Criminal Bail Application No.3828 of 2021 is allowed and disposed of;
- (ii) The Applicant is directed to be released on bail in connection with CR No.312 of 2017 registered with Phaltan Rural Police Station, District-Satara, on furnishing a PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The Applicant shall stay outside the jurisdiction of Phaltan Rural Police Station till further orders;
- (iv) The Applicant shall regularly attend the Trial Court proceedings on the dates of hearing of the case;
- (v) The Applicant shall not tamper with the prosecution evidence.

C.V. BHADANG, J.