

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

CRIMINAL BAIL APPLICATION NO. 3971 OF 2021

Motha Bittya @ Sachin Ramesh

Jadhav

..Applicant

V/s.

The State of Maharashtra

..Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 3991 OF 2021

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Ravi @ Ravindra Eknath Makar

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Rahul Kate for the Applicant in BA/3971/2021.

Mr. Shekhar Ingawale for the Applicant in BA/3991/2021.

Mr. Yogesh Dabke, APP for the Respondent/State.

API Mukund Palve, Baramati Police Station, Pune.

CORAM : C.V. BHADANG, J.

DATE : 5 APRIL 2022

P.C.

1. These applications, seeking bail, arise out of Crime No. 779 of 2018 of Police Station Baramati City, District-Pune under Section 386, 387, 302, 120-B read with Section 34 of IPC.

2. The aforesaid crime is registered on the basis of the complaint lodged by the wife of the deceased Krishna alias Nana Mahadeo Jadhav. According to the prosecution, the Applicants and the co-accused used to harass the deceased on account of demand/extortion of an amount of Rs.30 lakhs, which the deceased had refused to part with. It is alleged that on account of this on 05.11.2018, the Applicants and the co-accused had hatched a conspiracy, in pursuance of which the deceased was assaulted by means of sharp weapons, resulting into his death.

3. I have heard the learned counsel for the Applicants and the learned APP. With the assistance of the learned counsel for the parties, I have gone through the record.

4. It is submitted by the learned counsel for the Applicants that several co-accused who are having a similar role have been released on either regular bail or anticipatory bail by this Court. It is submitted that the allegations of actual assault are against the juveniles in conflict with law, who have been proceeded separately before Juvenile Justice Board. It is submitted that the Applicants have not been attributed any role of actual assault on the deceased. It is also pointed out that the Investigating Officer had invoked the provisions of MCOC Act. However, the Competent Authority by order dated 30.04.2019 in its discretion has granted sanction only against eight accused, excluding the present Applicants. It is submitted that the Applicants are

entitled to parity. In particular reference in this regard is made to the order dated 30.10.2021 passed by this Court in Criminal Bail Application No. 525 of 2021 by which the co-accused Avinash Jadhav has been granted bail.

5. The learned APP on instructions from the Investigating Officer, who is present, does not dispute that the role attributed to Avinash Jadhav and some co-accused is similar to the role attributed to the present Applicants. In other words, it is not disputed that there are no allegations of actual assault, which are made against the present Applicants. Thus, learned APP in all fairness has not disputed the claim of parity.

6. I have considered the circumstances and the submissions made and I have gone through the record including the orders passed by this Court and in particular order dated 30.10.2021 granting bail to co-accused Avinash Jadhav. This Court in paragraph 9 has noted that the role of actual assault is attributed to the Juveniles and one Vinod Mane and hirelings of Mane and not to the Applicant Avinash Jadhav. It can be seen that the Applicants have also not been attributed with any role of an actual assault. The order granting sanction passed by the Competent Authority also indicates that *qua* the present Applicants, sanction has not been granted.

7. Considering the over all circumstances and having regard to the fact that the prosecution is not disputing the claim of parity, the following order is passed:

ORDER

i) The Applicant **Motha Bitty @ Sachin Ramesh Jadhav** and the Applicant **Ravi @ Ravindra Eknath Makar** be released on bail in Crime No. 779 of 2018 registered with Baramati City Police Station, Pune on executing a PR Bond in the sum of Rs.25,000/- each with one or two solvent sureties each in the like amount.

ii) The Applicants shall undertake to remain present before the learned Special Court, during the course of trial, unless exempted.

iii) The Applicants shall report at Baramati City Police Station on the first Monday of every month between 11.00 a.m. to 1.00 p.m. to mark his presence.

iv) The Applicants shall not tamper with the prosecution evidence/witnesses.

v) In the event of breach of any of the conditions, the bail is liable to be cancelled.

vi) Bail bonds to be furnished before the learned Special Court.

vii) It is made clear that the observations herein are essentially of a prima facie nature and the learned Special Court shall not be influenced by the same at the trial.

viii) Criminal bail applications are disposed of in the aforesaid terms.

(C.V. BHADANG, J.)