

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2794 OF 2022

Nagesh alias Naga Bhim Landage ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Nitesh J. Mohite for the Applicant.
Ms. M. M. Deshmukh APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 09.11.2022.

PC. :

1. This is an application under Section 439 of Code of Criminal Procedure (in short Cr.P.C.) for bail.
2. The applicant came to be arrested in Crime No. 282/2020 registered at Jath Police Station, Sangli for the offences punishable under Section 302 read with 34 of Indian Penal Code (in short I.P.C.).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.
4. The learned counsel for the applicant submits that this Court has released all other co-accused on bail. It is submitted that the role attributed to co-accused and applicant in crime in question is identical. It is

submitted that the applicant may thus be released on bail on the ground of parity.

5. On the other hand Learned APP for the respondent submits that the applicant is involved in serious offence of murder. She submits that there is recovery of stone and stick at the instance of the present applicant. It is submitted that the applicant, therefore cannot be released on the ground of parity.

6. I have perused the charge-sheet and order passed by this Court. According to the prosecution the daughter of the present applicant had love affair with the deceased. The applicant was thus annoyed with the deceased and thus on 08/10/2020 he alongwith other co-accused committed the murder of the deceased. Thus it is apparent that the role attributed to the present applicant and other co-accused is identical. Considering the facts and circumstances as the case is based on circumstantial evidence, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in Crime No. 282/2020 registered at Jath Police Station, Sangli Police Station, for the offence punishable under Section 302 read with 34 of the Indian Penal Code on furnishing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter the jurisdiction of Jath Police Station, Sangli till conclusion of the trial.

D] The applicant shall attend Vishrambaug Police Station, Sangli on the first Saturday of every month between 10.00 a.m. to 11.00 a.m. till conclusion of the trial.

E] The applicant shall inform his place of residence and mobile contact number immediately after being released to the Investigating Officer.

F] The applicant shall not tamper with the evidence or attempt to influence or contact the witnesses or any person concerned with the case.

G] If there is breach of any of the aforesaid conditions the prosecution shall be at liberty to seek cancellation of the applicant's bail.

[N.R.BORKAR, J.]