

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 495 of 2022

Sahil S/o Wasudeo Talwekar

Versus

The State of Maharashtra, through Police Station Officer,
Police Station Deoli, Dist. Wardha.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.B.Kasat, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 24th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 802 of 2021 registered with Police Station Deoli, Dist. Wardha for the offence punishable under Sections 302, 120(B), 201, 202 read with Section 34 of Indian Penal Code.

2. Shri Kasat, learned counsel for the applicant submits that co-accused has already been granted bail by this Court vide order dated 22nd June, 2022 in Criminal Bail Application No. 536 of 2022 and as such the applicant is entitled for grant of bail on the ground of parity.

3. Learned counsel for the applicant submits that except the allegations that, though the applicant was knowing that the main accused Prem Talvekar had planned to kill his uncle, he did not disclose this fact to the police.

4. It is further submitted that the applicant is in jail since October, 2021 and on completion of investigation, the chargesheet has already been filed and further custody of the applicant is not necessary.

5. It is further submitted that there is no material against the applicant that he is involved in the alleged offence. Accordingly, he prays for grant of bail.

6. On the other hand, learned Additional Public Prosecutor strongly opposed the application.

7. I have perused the chargesheet and case diary.

8. The only allegations against the applicant is that he was knowing the fact that main accused Prem Talvekar has planned to kill his uncle, however, he did not disclose this fact to the police. Except this allegation there is nothing to *prima facie* show that the applicant was the part of the conspiracy.

9. It appears that the applicant is a friend of the main accused Prem Talvekar and he was having knowledge about the intention of the main accused Prem Talvekar.

10. The applicant is in jail since November, 2021 i.e. for about eight months and his custody is no more required. Moreover, the applicant is also entitled for grant of bail on the ground of parity as the co-accused Aniket @ Sharad S/o Bhimrao Madavi was granted bail vide order dated 22nd June, 2022 in the same offence. Accordingly, I pass the following order.

i. It is directed that the applicant shall be released on bail in Crime No. 802 of 2021 dated 12th October, 2021 registered with Police Station Deoli, District Wardha for the offence punishable under Sections 302, 120(B), 201, 202 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;

ii. The applicant shall attend the concerned police station as and when his presence is required;

iii. The applicant shall not leave the jurisdiction of the concerned police station without permission of the Court;

iv. 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 not tamper with the evidence.

[ANIL S. KILOR, J.]