

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.544 OF 2023

ANGRESHA RAMA PAWARA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. A.S. Savale
APP for Respondent: Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.

DATE : 26.04.2023

PER COURT :

1. Heard the learned counsel for the applicants and the learned A.P.P. for respondent/State.

2. The applicants are seeking bail in Crime No. 59/2019 registered with Police Station Shahada, District Nandurbar for the offences punishable under Section 302, 143, 147, 148, 149, 342, 436, 506 of the Indian Penal Code and Section 3/25 of the Indian Arms Act.

The admitted facts of the case were that :-

3. Earlier, the applicants had moved applications for bail before this Court. Their bail applications were withdrawn when the Court expressed disinclination to grant them bail. Thereafter, on 27th May 2020 they were released on Covid-19 pandemic bail. However, they did not surrender after the lock down was

withdrawn. Lastly, they were arrested on 18/01/2023. However, they were attending the trial.

4. The learned counsel for the applicants would submit that one of the co-accused has been granted bail. However the role attributed to him and the present applicants is not similar. Hence, parity cannot be extended. Secondly, bail has been claimed on the ground that there is no progress in the trial. Till arrest on 18.01.2023, the applicants were not behind bar. There were no complaints that there is no progress in the trial. It must be mentioned here that the crime was registered in the year 2017 and thereafter lock down was declared. The benefit of lock down was extended to the applicants. They were granted temporary bail for about three years. Recently, they have been taken in the custody as they did not surrender. In the circumstances, it would be hard to accept that the trial has been protracted and they are languishing in jail from a long time. As far as the change in the circumstances, the applicants have failed to show that there was, material change in the circumstances that entitle them bail.

5. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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