

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.983 OF 2023

RAMESH BHAGWAN MUNDE
VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Sudhakar T. Mahajan
APP for Respondent/State : Mr. S. P. Tiwari

...

WITH APPLN/2616/2023 IN BA/983/2023

SHIVSHANKAR S/O. MALLIKARJUN KORE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. G. R. Syed
APP for Respondent No.1/State : Mr. S. P. Tiwari
Advocate for Respondent No.2 : Mr. S. T. Mahajan

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CORAM : S. G. MEHARE, J.
DATE : 15-09-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. This is successive bail application of the applicant. The applicant seeks bail in C.R.No.0081 of 2022 registered with Police Station Anandnagar, Osmanabad, for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant would submit that this Court has granted bail to co-accused Shivshankar Haribhau Ingale on 19.04.2023. The role attributed to the applicant is similar to the role attributed to him. Hence, he deserves parity.
4. Co-accused Shivshankar Ingale was granted bail since he

was not lastly seen in the company of the deceased and the witnesses did not identify him. However, the present applicant has been identified by the Waiter where the present applicant was getting services. That apart, there are other circumstantial material against him. Hence, he does not deserve parity.

5. He would further argue that there are two medical reports. The D.N.A. report shows that the deceased was around 45 years. However, according to the father of the deceased, he was 23 to 25 years. This may not be a ground for bail. Much time was spent for obtaining CCTV footage in which the applicant was captured. The prosecution failed to produce CCTV footage. That would make no difference at this juncture as two witnesses have identified the applicant.

6. On previous occasion, the applicant was heard in detail. Now, he has changed the lawyer and tried to convince the Court that there is change in circumstances. The Court had examined the record while considering his earlier bail application in detail. There were circumstances against the applicant that shows his nexus with the crime. The offence is serious. Since there were no change in circumstances after rejecting his first application, the application stands dismissed.

7. Criminal Application No.2616 of 2023 stands allowed.

**(S. G. MEHARE)
JUDGE**