

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1298 OF 2023

Namdev Shivaji Dombe,
Age 20 years, Occu. Labour,
R/o. Ram Mandir Area, Jintur,
Taluka Jintur, District Parbhani

.. Applicant

Versus

The State of Maharashtra
Through Officer Incharge Police Station
Jintur, District Parbhani

.. Respondent

Mr. Sudarshan J. Salunke, Advocate for Applicant;
Mr. Sandesh V. Hange, APP for Respondent

CORAM : S. G. MEHARE, J.

DATE : 04-12-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. This is a successive bail application of the applicant in C.R.No.0283 of 2022 registered with Police Station Jintur, District Parbhani, for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 4/25 of the Arms Act, 1959.

3. Learned counsel for the applicant submits that the co-accused has been granted bail. The co-accused has been granted bail though he had active role. Therefore, this application may be considered.

4. Learned A.P.P. submits that the role attributed to the accused who has been granted bail and the present applicant is not similar. This Court considered the chargesheet against the applicant and after hearing the learned counsel at length declined the bail. There are no change in circumstances. The applicant cannot be granted bail.

5. Perused the chargesheet.

6. Apparently, the role attributed to the applicant compared to the role attributed to the co-accused whom the bail has been granted bail is different. The applicant was most aggressive and has involvement in the case. There is no parity to the role of both. Merely granting bail to one of the co-accused is not the change in circumstance.

7. Hence, for the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE