

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3633 OF 2022

Nitin Dadaso Holkar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Rekha Musale instructed by Mr. Siddheshwar Kalel for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 3 MARCH 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 190 of 2020 registered at Kavathemahankal Police Station, for the offences punishable under Sections 302, 307, 354, 323, 143, 148, 149, 188 of Indian Penal Code.

3. According to the prosecution, on 2 May 2020 the present applicant and other co-accused assaulted the deceased by sword, axe etc. and committed his murder on account of previous dispute.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The bail is sought on the ground of parity. In support of the said ground, the learned Counsel for the applicant has placed on record the order passed by the Sessions Court dated 20 August 2022 below Exhibits 67 and 104 in Sessions Case No.250 of 2020. By the said order, the Sessions Court has released the co-accused – Manik Shivappa Holkar.

6. I have perused the charge-sheet and more particularly, supplementary statement of Rutuja Gore dated 3 May 2020. The role attributed to the present applicant and the said co-accused Manik Holkar appears to be identical. In that view of the matter, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Nitin Dadaso Holkar be released on bail in Crime No. 190 of 2020 registered at Kavathemahankal Police Station, for the offences punishable under Sections 302, 307, 354, 323, 143, 148, 149, 188 of Indian Penal Code, on furnishing P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of Taluka – Kavathemahankal, District-Sangli till conclusion of trial.

(N.R. BORKAR, J.)