

BAIL APPLICATION NO.351 OF 2023

Adv. Dinesh Adsule for the applicant.
Ms. Rutuja Ambekar, APP for the State.

DATE : SEPTEMBER 8, 2023.

1. Heard learned counsel for the applicant and learned APP for the State.

3. It is the contention of learned counsel for the applicant that some of the accused who have allegedly fired at the

deceased have been enlarged on bail. The incident took place on 19.09.2020 at 9.53 p.m. It is the prosecution case that the deceased had offended the applicant on a previous occasion. The applicant therefore had a grudge against the deceased. The applicant called the deceased on his mobile phone and asked him to accompany him. The other accused allegedly fired at the deceased. Pursuant to the firing, the deceased informed the witnesses that the accused including the applicant had fired on him.

4. It is the contention of learned counsel for the applicant that no specific role is assigned to the present applicant. He submits that there is no recovery from the applicant. He submits that the co-accused have been enlarged on bail.

5. I have perused the relevant statements. There is a motive alleged against the present applicant. The role of the applicant is different from the co-accused who have been enlarged on bail. From the statements of witnesses it is revealed that it is the applicant who had called the deceased and thereafter they went on the bike. Though there is no recovery from the applicant and the actual

recovery of the weapon is from the accused No.4-Jamil Rafiq Rangrej and though Jamil is enlarged on bail, however, that by itself cannot be a factor for the applicant to claim parity. Having regard to the active involvement of the applicant and the motive alleged, I am not inclined to enlarge the applicant on bail.

6. The application is rejected.

(M. S. KARNIK, J.)