

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1002 OF 2023

Baban @ Bapu Mohan Bhoite ...Applicant
vs.
The State of Maharashtra ...Respondent

Ms. Shubhangi Pandekar, for the Applicant
Mr. M.G. Patil, APP, for the Respondent/State.
Mr. S.V. Chavan, PSI, Yavat police station present.

CORAM : N. J. JAMADAR, J.
DATE : SEPTEMBER 11, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This is a second application for bail.
3. The applicant/accused No. 4 has been arraigned for the offences punishable under sections 120(B), 302, 364(A), 365, 201 read with 34 of the Indian penal Code, 1860.
4. By an order dated 2nd March, 2022 this Court had rejected the first bail application i.e. Bail Application No. 544 of 2020.
5. The learned counsel for the applicant submits that in the intervening period, there have been developments. Two of the co-accused namely Suraj @ Pappu Ovhal, the principal accused, and the Raosaheb Sahebrao Phulmali, accused No 2, have been released on bail by this Court.

6. The learned counsel submitted that the role attributed to Suraj Ovhal, the principal accused, is more grave than the accusation against the applicant.

7. I find substance in the submission that the role attributed to Suraj Ovhal has more incriminating tendency.

8. I have perused the orders dated 9th February, 2023 in Bail Application No. 1214 of 2022 and 24th August, 2023 in Bail Application No. 3553 of 2022. This Court was persuaded to exercise the discretion in favour of the co-accused as the case is based on circumstantial evidence and the accused have been in custody for more than five years. The aforesaid reasons govern the case of the applicant also.

9. On parity of reasoning, the applicant deserves the exercise of discretion.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant Baban @ Bapu Mohan Bhoite be released on bail in C.R. No. 845 of 2018 registered with Yawat police station on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

- 3] The applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11 am to 2 pm till framing of charge.
- 4] Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the investigating officer.
- 5] Applicant to attend the trial Court on all dates, unless exempted.
- 6] Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(N. J. JAMADAR, J.)