

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1125 OF 2023

Pandurang @ Sagar Bansi Harke ... Applicant
V/s.
State of Maharashtra ... Respondent

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Mr. Priyal G. Sarda, for the Applicant.

Mr. Pandurang H. Gaikwad, APP for the
State/Respondent.

Mr. Sandesh Ingale, PSI, Talegaon Dabhade Police
Station.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 2, 2023

P.C.:

1. This is an application under Section 439 of Code of Criminal Procedure, 1973, seeking relief in connection with C.R. No.370 of 2022 registered at Talegaon Dabhade Police Station for offences punishable under Sections 302, 120B, 201, of the Indian Penal Code, 1860.

2. According to prosecution, the accused No.1 had illicit relationship with the deceased. She was forcing accused No.1 to perform marriage. The accused No.1, is already married and having children. For keeping his reputation, he was not ready to perform the marriage. Therefore, he engaged services of accused No.2 (present applicant) for payment of Rs.7,00,000/- (seven

lakh). Accused No.2, (applicant) assigned job of killing deceased to accused No.3 and 4. Accordingly, accused No. 3 and 4 committed murder of deceased.

3. The learned advocate for the applicant pointed out that the accused No.1 has been released on bail by the Sessions Judge by order dated 27th January 2023, in Criminal Bail Application No. 765 of 2022.

4. Role attributed to accused No. 1 is of hatching conspiracy who engaged present applicant to assign job of contract killing to accused No. 3 and 4. On perusal of the order dated 27th January 2023, it appears that the Sessions Judge has granted bail to accused No.1, on merits. The Sessions Judge has assigned reasons for release of accused No.1. The Sessions Judge has referred CDR class between the accused. The materials on record against the applicant are statement of witnesses, CDR and electronic evidence. However, considering release of accused No.1, who had engaged the applicant to commit murder of the deceased, the applicant deserves to be release on the doctrine of parity. Hence following order:

a) The applicant be released on bail in connection with C.R. No.370 of 2022 registered at Talegaon Dabhade Police Station for offences punishable under Sections 302, 120B, 201, of the Indian Penal Code, 1860, on furnishing P.R. Bond in the sum of Rs.25,000/- along with one or two sureties in the like amount;

b) The applicant shall attend each and every date before

the Trial Court unless specifically exempted by the Court;

c) The applicant shall mark his presence before the investigating officer on first Saturday of each month between 11.00 a.m. to 02.00 p.m. till the completion of the trial;

d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

5. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)