

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3553 OF 2022**

Raosaheb Sahebrao PhulmaliApplicant

Versus

The State of Maharashtra ...Respondent

Mr. Umesh H. Pawar, Advocate for the Applicant.

Mr. M. G. Patil, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th AUGUST, 2023.

P.C. :

1. By this application, applicant is seeking bail.
2. Applicant came to be arrested in Crime No.845 of 2018 registered with Yawat Police Station, Pune, for offences punishable under Sections 302, 201, 120-B, 364-A, 365 read with 34 of Indian Penal Code and Section 3 read with 25 of Arms Act.
3. It is the contention of learned counsel for applicant that in this crime, co-accused Suraj @ Pappu Subhash Ovol has been granted bail by this Court by an order dated 9th February 2023. Hence, applicant is entitled for bail on parity.

Learned counsel for applicant further submitted that the

case is based on circumstantial evidence and there is not clarity about the cause of death of deceased. Hence, requested to allow the application.

4. Learned APP fairly submitted that parity is applicable to the present applicant as co-accused is released on bail by this Court.

5. I have heard learned counsel for the Applicant as well as learned APP.

6. Considering the submissions of both learned counsel and the fact that Applicant is in jail for more than five years and the case is based on circumstantial evidence. The co-accused has been released on bail by this Court.

7. In view of above, I pass following order :

ORDER

- (i) Applicant - Raosaheb Sahebrao Phulmali be enlarged on bail in Crime No.845 of 2018 registered with Yawat Police Station, Pune, for offences punishable under Sections 302, 201, 120-B, 364-A, 365 read with 34 of Indian Penal Code and Section 3 read with 25 of Arms Act on furnishing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

- (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till framing of charge.
 - (iii) 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.
 - (iv) Applicant to attend the trial Court on all dates, unless exempted;
 - (v) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
8. The application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)