

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3163 OF 2022**

Jaitu Chindhu Borkar

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ajinkya Udane for the Applicant.

Mr. S.S. Hulke, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 25 JANUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 534 of 2018 registered at Khed Police Station for the offences punishable under Sections 302 read with 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. 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 copy of the order passed by this Court dated 18 June 2021 in Criminal Bail Application No. 445 of 2021. By the said order, this Court has released the

co-accused- Baban Eknath Mukane on bail.

5. Admittedly, the case is based on circumstantial evidence. The wallet of co-accused Baban Mukane was found at the place of incident. As this Court has released the co-accused- Baban Mukane on bail, I do not see any reason to refuse bail to the present applicant against whom the only incriminating material is recovery of certain articles. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant- Jaitu Chindhu Borkar shall be released on bail in Crime No. 534 of 2018 registered at Khed Police Station for the offences punishable under Sections 302 read with 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)