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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3264 OF 2022**

Sharad Somaji Mane ... Applicant
V/s.
State of Maharashtra ... Respondent

Mr. Sanjeev Kadam with Mr. Onkar Mane for the Applicant.
Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 10TH JANUARY 2023

PC:-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The present Applicant is police constable attached to Karad police station at the material time. He is named as accused No.9 in the charge-sheet. He along with other accused persons is being prosecuted for committing murder of one Raosaheb Jadhav. The sum and substance of allegations is that said deceased being brother-in-law of the first informant - Anil Dikole, were brought from Jeur, Taluka Karmala, District Solapur on 16th June 2016 by the police attached to Karad police station. They were suspected persons in the offence registered at the Karad city police station so police party from Karad police station went there and brought them. During transit and after bringing them to Karad police station, deceased as well as the first informant were beaten mercilessly by different weapons. Even they

were assured of release, if demand of Rs.25,00,000/- was fulfilled. Unfortunately, during that assault Raosaheb Jadhav succumbed to injuries and then the FIR came to be lodged and it was recorded by Crime Branch, Satara unit.

3. After investigation charge-sheet is also filed for the offence punishable under sections 302, 365, 386, 324, 323, 506 read with 34 of the Indian Penal Code.

4. It is matter of record that earlier the Applicant was not granted bail and in fact he has also withdrawn the bail application filed before this Court on 11th September 2018. However, now the Applicant is praying for bail on the ground of parity for the reason that co-accused either having same role or having major role has been granted bail. My attention is invited to the order passed by the Supreme Court on 18th November 2022, accused – Hanmant Kakandaki was granted bail. It was for the reason that inspite of framing of charge on 4/11/2022, yet the trial is pending.

5. On the basis of this order, co-accused Rajkumar Koli was granted bail as per order of this Court dated 23/12/2022, so also the trial Court has granted bail to accused - Dilip Kshirsagar, who has been named in the FIR. Though the present Applicant has not been named in the FIR, as per learned APP he has been described by certain description i.e. person having “Shendi” (peak hair of head). On behalf of the prosecution no other ground is agitated so as to deny benefit of all these orders to present Applicant. I find no reason to take different view. Hence, the Applicant is entitle to be released on

bail and the following order is passed :-

- (a) The Applicant – Sharad Somaji Mane be released on bail on furnishing PR bond and surety bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned Court.
- (b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witness.
- (c) The Applicant shall furnish the permanent address and contact details to the Inspector of Police of the concerned police station and intimate the change, if any.
- (d) The Applicant shall regularly attend the proceedings before the trial Court.
- (e) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail.

5. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

6. Application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)