



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.698 OF 2023

Rupesh S/o. Ramchand Rangire

.Vs.

State of Maharashtra, Through PSO, PS Rawanwadi, Gondia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr R. M. Daga, Counsel for the applicant
Mr Harshal Futane, APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 03, 2023

1. By this application, the applicant is seeking bail in Crime No.218 of 2021 registered with Rawanwadi police station, Distt. Gondia for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code. It is the prosecution's case that deceased had illicit relationship with mother of the applicant. Hence, applicant and accused No.1 committed murder of deceased.

2. Learned counsel for applicant submits that accused No.1 has been released on bail by the trial Court. The allegations against applicant and accused No.1 are same. Hence, applicant is entitled for bail on principle of parity and requested to allow the application.

3. It is the contention of learned APP that the

allegations against applicant and accused No.1 are different. It is alleged that accused No. 1 had assaulted the deceased with wooden sticks. Whereas, the applicant had assaulted the deceased with knife. The said knife is recovered at the instance of the applicant. There is *prima facie* case against the applicant. Hence, applicant is not entitled for principle of parity and requested to reject the application.

4. I have heard both learned counsel. Perused the FIR and charge-sheet.

5. It appears from the record that at the time of incident one lady Smt Lalita Rangire, i.e. mother of applicant, was present, but the police has not recorded her statement. Accused No. 1 has been released on bail by the trial Court. Investigation is completed. Charge sheet has been filed. Applicant is behind bar for more than 2 and ½ years. Considering this fact, further detention of the applicant is not required. Therefore, I pass following order.

- i) Criminal application is allowed.
- ii) Applicant- Rupesh S/o. Ramchand Rangire be released on bail in Crime No.218 of 2021, registered with Police Station Rawanwadi, District: Gondia on his

furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the learned trial judge in conduct of the trial expeditiously.

6. The criminal application stands **disposed of**, accordingly.

(SHIVKUMAR DIGE, J.)

Namrata