



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 157 OF 2024

1. Manoj Vasantao Bodhkhe
 2. Rajendra alias Pappu Ashok Parkhe
 3. Deepak Dagadu Gaikwad
- ...Appellants

VERSUS

The State Of Maharashtra And Others

.....Respondents

.....

Mr. R.R. Karpe, Advocate for appellants.

Mr. S.P. Sonpawale, APP for respondent No. 1-State.

Mr. Tausif Shaikh, Appointed for respondents No. 2 to 5.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th MARCH, 2024

ORDER :

1. Appellants seek bail in Crime No. 429/2023, registered with Shrirampur Police Station, Dist. Ahmednagar, for offences punishable under sections 307, 364, 342, 504, 506, 147, 148, 149, 324, 109 of Indian Penal Code and sections 3(1)(a), 3(1)(d), 3(1)(e), 3(2)(va), 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under section 84 and 87 of Juvenile Justice (Care of Protection of Children) Act, 2015.

2. Having heard the learned advocate for appellants,

Bhagyawant Punde

learned APP for respondent-State and learned advocate for informant and on perusal of charge sheet, as well as the order passed by this Court in Criminal Appeal Nos. 44/2024 and 43/2024, thereby releasing co-accused Yuvraj Galande, Durgesh Vaidya and Raju Borge on regular bail, this Court is inclined to allow the appeal on the ground of parity.

3. It is not in dispute that the role attributed to accused who are released on regular bail by this Court, is same as role attributed to present appellants. Appellants therefore have made out a case for bail on the ground of parity. Hence, the following order.

ORDER

- (I) Criminal Appeal is allowed.
- (II) Order dated 21.12.2023, passed by learned Special Judge & Additional Sessions Judge, Shrirampur, Dist. Ahmednagar, below Exhibit-7 in Special Case No. 67/2023, is hereby quashed and set aside.
- (III) Appellants- 1. Manoj Vasantrao Bodhkhe 2. Rajendra alias Pappu Ashok Parkhe and 3. Deepak Dagadu Gaikwad be released on bail in connection with Crime No. 429/2023, registered with Shrirampur Police Station, Dist. Ahmednagar, for offences punishable under sections 307, 364, 342, 504, 506, 147, 148,

149, 324, 109 of Indian Penal Code and sections 3(1) (a), 3(1)(d), 3(1)(e), 3(2)(va), 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under section 84 and 87 of Juvenile Justice (Care of Protection of Children) Act, 2015, on executing Personal Bond and Surety Bond of Rs. 25,000/- each with one surety each in the like amount.

(IV) Appellants shall attend the concerned police station on every Saturday and Sunday, for a period of three months, between 10.00 am to 12.00 noon, and shall co-operate in the investigation.

(V) Appellants shall not tamper the prosecution evidence.

4. High Court Legal Services, Sub Committee, Aurangabad, shall pay the fees of learned advocate appointed for respondents No. 2 to 5, as per rules, within four weeks from today.

[NITIN B. SURYAWANSHI, J.]