

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO. 312 OF 2024  
WITH  
CRIMINAL APPLICATION NO. 931 OF 2024  
IN BA/312/2024F 2024

Mangal W/o Ravindra Tanpure

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Bobade Sopan Gynba

P.P. for Respondent/State : Mr. A.B. Girase

Advocate for Complainant : Mr. A.S. Bayas

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**CORAM : S.G. MEHARE, J.**

**DATED : MARCH 21, 2024**

**PER COURT:-**

1. Heard learned counsel for the applicant, learned Public Prosecutor for the State and learned counsel for the first informant/complainant, who is the relative of the victim.
2. This is a successive bail application of the applicant. The applicant is claiming bail on parity with the role attributed to co-accused Sonal Tanpure.
3. Learned counsel for the applicant has vehemently argued that there is no consistency in the allegations levelled against the applicant. The statement of deceased recorded in video by the Police Sub-Inspector, Shaikh Nissar does not disclose that the deceased named the applicant. He submitted that the role attributed to her is identical to the role allegedly attributed to co-accused Sonal. Hence,

she deserves parity. Learned counsel for the applicant relied on the judgment of this Court in Bail Application No.1792 of 2022 dated 16.12.2022. The ratio laid down in the said case does not apply to the case at hand.

4. Learned Public Prosecutor and learned counsel for the complainant have strongly opposed the application. They would contend that the deceased specifically named the applicant with her role in committing the crime to his mother and first informant Pravin, who is his brother. It has also been argued that it was a oral dying declaration. It was narrated in a natural course when he was taken to the hospital after assault. A strong evidence is available against the applicant. She has played an active role. Her role is not identical to the role of co-accused Sonal. There are no change in circumstances. Hence, the application may be rejected.

5. The FIR is very specific alleging the presence of the applicant and role played by her in assaulting the deceased. The deceased had narrated the incident to his brother and mother when he was taken to the hospital after the incident. The co-accused Sonal was neither named in the FIR nor in a video recording of PSI, Nisar. He was also not present on the spot of the incident. Therefore, it can not be said that the role attributed to her and the applicant is identical. Therefore, the parity could not be extended to the applicant.

6. It has been submitted that the case has been listed for recording the evidence. So, hopefully it would be decided within a reasonable period subject to co-operation of the accused, witnesses and the prosecution.

7. For the above reasons, the application stands dismissed.

8. Criminal Application No.931 of 2024 stands disposed of.

**(S.G. MEHARE, J.)**