



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 BAIL APPLICATION NO. 468 OF 2024

RAVINDRA UTTAM GONDKAR

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

Mr. S. B. Gorde, Advocate for the applicant

Mrs. M. L. Sangit, APP for the respondents/State

Mr. A. N. Patil Bharhate, Advocate for the informant

CORAM : S. G. MEHARE, J.

DATE : 08th APRIL, 2024

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1. Heard the learned counsel for the applicant, learned APP for the State and learned counsel for the informant.

2. Its a third time bail application.

3. Learned counsel for the applicant tried to reopen the argument which were advanced by the earlier counsel at the time of seeking bail on 16-02-2023. Learned counsel for the applicant tried to interpret the word 'दाकलं का?' once again though

this court already interpreted the said word and rejected the bail application. The Criminal court has limitation and no power to review the orders.

4. He would submit that he is the only bread earner of the family and his old aged parents are starving. However, he concede that the applicant has a brother who reside separately. He also claims that other co-accused namely Deepak and Tanvaeer have been granted bail. Therefore, he deserves parity.

5. Learned APP has strongly opposed the application. She would submit that while considering the earlier bail application, the court has discussed each and every fact and law and rejected the bail application on merits. The arguments which learned advocate for the applicant is advancing were already advanced in detail. There is no change in circumstance. She would submit that role attributed to the applicant is only not on par with the co-accused. There are criminal antecedents to this discredit. The applicant is not the only son of his parents. Therefore, he cannot be granted bail. She submits that there is

no material evidence to prove that the parents of the applicant are unable to take their care and unable to move. Considering the gravity of the offence and the involvement of the applicant, the application deserves to be dismissed.

6. Learned advocate for the complainant/informant submits that role attributed to the other co-accused is different from the role played by the applicant. There is no change in circumstance. The applicant's role is different from the role of co-accused who has been granted bail. Hence, he does not deserve parity. He prayed to dismiss the application.

7. This court while considering his application heard his counsel at length and passed the order in detail interpreting the word 'टाकलं का?'. Considering the material this court had rejected his application. During his second bail application, this court had expressed that there were no change in circumstance. Therefore, the learned counsel on instructions, withdrew the said application. The arguments advanced for the applicant revolve around the word 'टाकलं का?'. Said terms has been

interpreted in context of the allegations. Each and every aspects was considered and two times his applications were rejected.

8. As far as the responsibility of the parents is concerned, law saddles the responsibility of parents on each legal heir. The applicant has brother. Though he is residing separately, law is there for the parents to seek the maintenance from sons. So this appears not a genuine reason and change in the circumstance. Role attributed to the applicant is not on par with the co-accused who have been granted bail. The applicant is the main culprit in the crime. He has no good past as observed in the earlier orders.

9. For the reasons stated above, the application stands rejected.

[S. G. MEHARE, J.]