

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 976 OF 2024
WITH
CRIMINAL APPLICATION NO. 2706 OF 2024
IN BA/976/2024

Rajendra Gopinath Rathod And Another

VERSUS

The State Of Maharashtra

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Advocate for Applicants : Mr. Swami Sandeep C

APP for Respondent/State : Mr. S.M. Ganachari

Advocate for Complainant : Mr. K.T. Shingare

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CORAM : S.G. MEHARE, J.

DATED : JULY 18, 2024

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant.
2. The applicants seek bail in Crime No.100 of 2024 registered with Bhada Police Station, District Latur for the offence punishable under Sections 302, 143, 147, 148, 149, 323, 504 of the Indian Penal Code.
3. The applicant - Ravi seeks bail on parity since the similarly co-accused have been granted bail. For applicant – Rajendra, he would argue that there was no specific role attributed to the applicant of causing serious injuries. The deceased died due to

head injury which was allegedly caused by one Avinash. Nothing is to be recovered from him. There are no antecedents to his discredit.

4. Learned APP and learned counsel for the complainant have vehemently argued that the applicants were present on the spot of the incident. They have shared a common object. The deceased suffered injuries more than one. Those injuries were caused to him by the applicants. The offence is serious. For no cause, the deceased lost his life. Hence, they may not be granted bail.

5. Perused the papers. The role attributed to the applicant - Ravi appears identical to the role attributed to the co-accused Sunil, who has been granted bail. Hence, he deserves parity. So far as the role attributed to the applicant – Rajendra, it has been alleged against him that he beat the accused with kicks. The deceased died due to head injury which was not caused to him by the applicant. The deceased had two abrasions. Those were not the cause of death. Considering the incident and the role attributed to the applicants, the applicants deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicants, Rajendra Gopinath Rathod and Ravi Rajendra Rathod, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one

(3)

solvent surety of the like amount each in the above crime, on the conditions that;

- (a) The applicants shall not tamper with the prosecution witnesses and shall attend the trial on each and every date.
- (iii) Criminal Application No.2706 of 2024 stands disposed of.
- (iv) It is made clear that these observations are restricted to bail application only.

(S.G. MEHARE, J.)