



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

BAIL APPLICATION NO. 2187 OF 2024

Ravindra Appasaheb Shete

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. A.H. Bankapur (Through V.C.)

APP for Respondent : Mr. V.S. Badakh

CORAM : S. G. CHAPALGAONKAR, J.

Dated : December 16, 2024

ORDER :-

1. This is successive bail application of the applicant.

His previous bail application no.23 of 2024 has been rejected by this Court vide detailed order dated 30.1.2024.

2. Learned counsel appearing for the applicant pressed into service the ground of parity, since co-accused Mr. Vijay Balasaheb Kharde has been released by order dated 10.10.2024 passed by this Court in bail application No.1502 of 2024. It is submitted that role attributed against the applicant and accused Vijay is similar. Further, this Court observed that charge is not framed in trial and the trial is likely to be prolonged. Learned counsel appearing for applicant further submits that applicant is languished in jail since 21.3.2020. Period of more than 44 months have been elapsed.

3. This Court while rejecting bail application No.23 of 2024 specifically recorded observations that applicant was holding a Pistol in his hand and fired bullets towards the deceased. FIR has been lodged by an eye witness to the incident elaborating role played by the applicant in commission of offence. Recovery of incriminating pistol on the basis of discovery statement of the applicant under section 27 of the Evidence Act has been given effect. CCTV footage in proximity of place of commission of offence shows presence of the applicant. Eight witnesses have identified the applicant during Test Identification Parade. Correspondence between the applicant and co-accused also supports case of the prosecution. This Court has further observed that this is second offence where accused used fire Arms and caused day light murder. In that case, he was absconding for more than eight years. Present offence is committed while he was the absconding accused in previous crime.

4. In the aforesaid circumstances, this Court rejected previous bail application on merit, delay in conduct of the trial as well as another ground regarding indefinite incarceration was also dealt with and for the reasons as stipulated in the

paragraph no.6 this Court shown disinclination to entertain the prayer for grant of bail.

5. Order passed by this Court was assailed before the Hon'ble Supreme Court. However, Special Leave Appeal (Cri) (No.) 5490 of 2024 came to be rejected on 25.4.2024.

6. In light of the aforesaid factual background, only grounds that requires consideration in this application is parity based on the order dated 10.10.2024 passed by this Court thereby granting bail to co-accused Vijay Kharde.

7. On prima facie consideration of allegations in the FIR, apparently, applicant was the first assailant. He fired bullets on victim. Eye witness clearly states that applicant Ravi Shete fired bullets on victim Suresh. Blood was oozing from his body. When informant intervened and made attempt to cover deceased, applicant/accused threatened to kill everyone if they intervened. Thereafter, other accused persons raised attack on victim by sword and sickle. Lastly, applicant and accused Vijay Kharde raised one more round of fire towards victim Suresh. Aforesaid narration in the FIR would show that applicant was a leader of gang who attacked victim. He was

aggressor. First round was fired from pistol of the applicant. Victim had received bleeding injuries. Family members of the victim were deterred from interfering by the applicant. He gave threats to kill all of them and lastly, while leaving the place applicant and accused Vijay Kharde again raised second round of fire.

8. The narration in FIR clearly shows that role of the applicant is different and uncomparable with role of accused Vijay. One more aspect impedes this Court from exercising discretion in favour of applicant is that, he is accused in one more similar case of murder, he remained absconded in that crime for a period of eight years and while absconding given effect to the present crime. Therefore, release of the applicant at this stage would hamper smooth trial of the case. His release would demoralize witnesses. Possibility of his absconding cannot be ruled out considering his past conduct. Therefore, the ground of parity is not available to the applicant.

9. Hence, bail application stands **rejected**.

(S. G. CHAPALGAONKAR)
JUDGE

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