



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

907 BAIL APPLICATION NO. 373 OF 2024

SHUBHAM DNYANESHWAR PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Samadhan H. Jadhav.

APP for Respondent/State : Mr. Mukesh K. Goyanka.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 24th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.22 of 2023, registered with Kasoda Police Station, District Jalgaon, for the offences punishable under Sections 302 and 120-B read with 34 of the Indian Penal Code and under Section 4/25 of the Arms Act.

3 Investigation was set in motion on the basis of the complaint given by Kiran Subhash Patil who alleges that there was dispute between Nilesh Dnyaneshwar Desale and Sachin @ Sonu Devidas Patil. Nilesh had threatened Sachin to kill him. On 19.03.2023 at about 6.00 a.m. while Sachin was proceeding on his motorcycle

towards village Bhatkhande he has been assaulted. He was shifted to a hospital where he succumbed to the injuries. It is further alleged that because of previous disputes, accused Nilesh Desale has hatched a conspiracy and killed him through contract killers. Investigation progressed in the matter. Applicant has been arrested on 20.03.2023. On completion of investigation, charge-sheet is filed. Plea for grant of bail moved on behalf of applicant has been rejected by the order of Sessions Court.

4 The learned counsel for applicant submitted that the applicant is neither assailant nor he can be linked with conspiracy of murder along with other accused persons. He would submit that statement of witnesses recorded during course of investigation attribute role against applicant that he has provided information to main assailants and also arranged for their residence and meals at the instance of main accused i.e. Nilesh Desale. He would submit that most of the witnesses are stating so on the basis of hear say information. Statement of employees of hotel and owner only suggest that applicant has been with accused persons and informed that main accused Nilesh will pay bill of food of the hotel. There is nothing to indicate that, the applicant was knowing about criminal conspiracy. He would therefore, urge to release applicant on bail.

5 The learned counsel for applicant submitted that the applicant is entitled for bail on the ground of parity as co-accused is released on bail by this Court. He pointed out the order dated 7th November, 2023 passed by this Court in Bail Application No.1596 of 2023. He submitted that the role attributed to this applicant is similar to the role attributed to co-accused Samadhan Patil, who is released on bail by this Court by order dated 7th November, 2023. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application. He would invite the attention of this Court to statement of witnesses particularly statement of Sachin Sapkale, who works as room service boy at the hotel and statement of Sham Rathod, who is Manager of Hotel Nirmal Residency to contend that applicant had accompanied with accused persons and he has introduced them with hotel owner. Statement of Sachin Sapkale suggest that applicant was accompanied by the main assailants at the hotel. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses. The applicant is mainly seeking bail on the ground of parity. This Court by order dated 7th November, 2023 passed in Bail Application No.1596 of 2023 released the co-accused

on bail. Considering the role of co-accused and the role attributed to this applicant, the applicant is also entitled for bail on the ground of parity. Therefore, the bail application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.22 of 2023, registered with Kasoda Police Station, District Jalgaon, for the offences punishable under Sections 302 and 120-B read with 34 of the Indian Penal Code and under Section 4/25 of the Arms Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall attend each and every effective date before Trial Court.
 - d) The applicant shall not indulge in similar offence.

[SANJAY A. DESHMUKH, J.]