

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 3835 OF 2022

Santosh Chandrakant Harane ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Satyavrat Joshi a/w Samay S. Pawar i/b Shivani S. Kondekar, for
the Applicant.

Mr. A. A. Palkar, APP, for the Respondent-State.

Mr. S. A. Kumbhar, PC 887, Jat Police Station, present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 5th FEBRUARY, 2024.

P.C.

Heard learned Counsel for the applicant and the learned APP.

2 The applicant was arrested alongwith co-accused by Jath Police Station, District-Sangli, in connection with C.R. No. 414 of 2021, for the offences punishable under Sections 302 r/w 34 of the Indian Penal Code, in connection with death of one Bandenawaj Shaikh on 11th August, 2021.

3 The motive behind the offence as transpired from the prosecution story is that the deceased had sold his ailing buffalo to the applicant for a consideration of Rs.70,000/-. The applicant,

therefore, returned the buffalo to the deceased and was demanding back the purchase price, however, the deceased was reluctant to repay the amount except an amount of Rs.25,000/- which he had repaid earlier. The applicant and co-accused, therefore, planned to eliminate the deceased and on the fateful day, they took him to a bar where all of them consumed liquor. Subsequently, the deceased was taken by the applicant and other accused in a secluded place where there was exchange of hot words resulting into stabbing the deceased by means of knives by both accused.

4 Admittedly, there is no eye witness. The co-accused has already been enlarged on bail by this Court (Coram: N. R. Borkar, J.) on 11th November, 2022.

5 Though, learned APP objects the application seeking bail, it appears that ever since his arrest, charge has not yet been framed by the trial Court. Learned Counsel for the applicant submits that the role alleged to have been played by the applicant is on equal footing to that of the co-accused who had already been granted bail by this Court, therefore, the applicant deserves bail on the ground of parity also.

6 It is not the contention of the prosecution that the order granting bail to the co-accused has been challenged. Considering over all circumstances and the fact that the trial would not commence and conclude within reasonable period, the applicant needs to be released on bail, apart from the ground of parity. Now the order.

ORDER

(a) The application is allowed.

(b) The applicant - Santosh Chandrakant Harane be released on executing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the Sessions Judge, Sangli, in connection with C.R. No. 414 of 2021 registered with Jath Police Station, Dist-Sangli.

(c) The applicant shall attend the concerned Police Station on every Sunday between 10.00 a.m to 12.00 p.m until conclusion of the trial.

(d) The applicant shall attend the trial scrupulously on each date.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant should not tamper with evidence.

(f) The applicant shall furnish his cell number as well as residential address to the Investigating Officer and shall also inform in case of any change.

7 The application stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]