

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4130 OF 2023**

Datta Dnyanoba Kalbhor	...	Applicant
versus		
The State of Maharashtra		Respondent

Mr. Shailesh Kharat, Advocate for the Applicant.

Mr. Kiran C. Shinde, APP for the Respondent/State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2024.

P.C. :

1. By this application, the applicant is seeking bail in C.R.No.654 of 2017 registered with Nigdi Police Station, Pune, for the offences punishable under Sections 143, 147, 148, 149, 302 and 323 of Indian Penal Code, 1860 (for short "the IPC"), Section 4(25) of the Arms Act, Section 37(1) read with Section 135 of the Maharashtra Police Act and Section 3(2) and 3(4) of Maharashtra Control of Organized Crimes Act, 1999 (for short the "MCOCA").

2. It is the prosecution's case that on 20th November 2017, the applicant along with other co-accused formed an unlawful assembly, armed with deadly weapons and in furtherance of common object, committed murder of Aniket Jadhav. The first informant – Suraj Santosh

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Das has alleged that on 20th November 2017, at about 22.45 hours, while he and Aniket Jadhav were proceeding towards Aakurdi Gaonthan on motorcycle driven by Aniket Jadhav, the applicant and co-accused – Sonya Kalbor, Akshay Kalbhor, Datta Kalbhor and others came in front of their motorcycle, armed with weapons such as swords and sickles. Sonya Kalbhor kicked the motorcycle. When Aniket fell from the motorcycle, they caught hold of Aniket and Sonya Kalbohor inflicted a blow of sickle on the head of Aniket, whereas co-accused Hanumant Shinde and Akshay Kalbhor inflicted blows with swords and others assaulted with hands, kicks and stones. The cause of death was due to head injury. An FIR was lodged against the applicant and co-accused. The allegations against the applicant are he assaulted the deceased with fists and blows.

3. It is contention of learned counsel for the applicant that co-accused – Hanumant Shinde, Akshay Kalbhor and Jeevan Satpute against whom same allegations are levelled like applicant have been released on bail, hence, applicant is entitled for bail on principle of parity.

4. Learned APP fairly submitted that the allegations against co-accused who are released on bail and applicant are same and appropriate order be passed.

5. I have heard both learned counsel, perused the FIR and charge-sheet. The allegations against the applicant are that the applicant had assaulted the deceased with fists, blows and stones. Co-accused

against who same allegations are levelled have been released on bail. Hence, the applicant is entitled for bail on the principle of parity.

6. In view of above, I pass following order.

ORDER

- (i) The applicant – Datta Dnyanoba Kalbhorbe be released on bail in C.R.No. 654 of 2017 registered with Nigdi Police Station, Pune, on executing P.R. Bond in the sum of Rs. 40,000/- with one or two sureties in the like amount.
 - (ii) The applicant shall not interfere with the witnesses or tamper with the evidence in any manner.
 - (iii) The applicant shall keep the Trial Court informed of his current address and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time.
 - (iv) The applicant shall co-operate with the conduct of the trial and attend the trial Court on all dates unless exempted.
8. The application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)