

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

CRIMINAL BAIL APPLICATION NO. 324 OF 2024

Kiran Rohidas Amrale

...Applicant

Versus

State Of Maharashtra

...Respondent

....

Mr. Aniket Nikam i/by Mr. Amit Icham, Advocate for Applicant.

Mrs. Pankaj Deokar, APP for the Respondent – State.

....

CORAM : ANIL S. KILOR, J.

DATE : 18th JUNE, 2024.

P.C.:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.159 of 2023, registered with Paud Police Station, District: Pune for the offences punishable under Sections 302, 201, 364, 326, 324, 323, 504, 506 r/w 34 of Indian Penal Code (for short 'IPC').

3. Learned Counsel for the Applicant submits that the co-accused Parikshit Dnyanoba Ghaytale has been released on bail by the trial Court and the role of the Applicant and the said co-accused is similar, the Applicant is entitled for grant of bail on parity. It is further submitted that there is a recovery of clothes and stick

however, no blood stains were found on it. He lastly submits that as the investigation is completed and the charge-sheet has been filed. Further custody of the Applicant is not necessary. Accordingly, he prays for grant of bail.

4. On the other hand, the learned APP strongly opposed the application and submits that there is an eye witness, in whose presence the Applicant and other co-accused have forceably dragged the deceased into the car. It is further submitted that there were 32 injuries were found on the body of the deceased, which show that he was brutally murdered. Furthermore, it is submitted that since the offence is serious.

5. In the light of rival submission, I have perused the charge-sheet. From the charge-sheet, it is evident that stick and clothes were recovered from the Applicant but it has no blood stains. Furthermore, the injuries mentioned in Column No.17 of the postmortem report show that the deceased was brutally murdered. The Investigation Officer has collected the sufficient incriminating material against Applicant to show his involvement in the alleged offence.

6. As far as the bail granted to the co-accused Parikshit Dnyanoba Ghaytale is concerned, after going through the reasons

recorded by the trial Court. I am of the opinion that the relevant factors were not considered by the trial Court and therefore the Applicant cannot claim bail on principle of parity.

7. In that view of the matter since the sufficient material is there against the Applicant and considering the seriousness of offence, even though the charge-sheet is filed, I am not inclined to grant bail. Accordingly, the Application is rejected.

(ANIL S. KILOR, J.)