

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

CRIMINAL BAIL APPLICATION NO. 3737 OF 2024

Ghanshyam Popat Darade

...Applicant

Vs.

The State of Maharashtra

...Respondent

Ms. Sana Raees Khan with Mr. Onkar D. Bajaj with Mr. Aditya Parmar,
Ms. Juhi Kadu i/b SRK Legal, Advocate for Applicant.
Mr. S. M. Mangaonkar, APP for State-Respondent.
Mr. Vivek Arote, Advocate for Intervener.

CORAM:- ANIL S. KILOR, J.

DATED:- 11th DECEMBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 434 of 2020 registered with Shivaji Nagar Police Station, Pune, for the offences punishable under Sections 302, 365, 364, 201 and 120-B of the Indian Penal Code, 1860.
- 3) The applicant is an advocate and the allegations against the applicant is that he is the conspirator. As far as the motive is concerned, it goes against the co-accused Rohit Dattatray Shende. From the charge-

sheet and the relevant material collected by the IO during the investigation, it is evident that the dispute was in respect of land. The Hon'ble Supreme Court of India granted bail to the above referred co-accused Rohit Dattatray Shinde on the ground of long period of incarceration, vide order dated 20th August, 2024 in Criminal Appeal No. 3443 of 2024.

4) The learned counsel for the applicant submits that the case of the applicant is on a better footing than the case of the co-accused Rohit, who has been granted bail by the Hon'ble Supreme Court of India.

5) The learned APP and the learned counsel for the informant strongly opposed the application and prayed for rejection of the present application.

6) The applicant is in jail from last more than four years. Considering the nature of the allegations against the applicant and the material collected by the I.O., in the present matter, I find substance in the submission of the learned counsel for the applicant's case is on a better footing than the co-accused Rohit, who has been granted bail by the Hon'ble Supreme Court of India.

7) In the circumstances, I am of the opinion that the parity will apply. Accordingly, the application is allowed.

ORDER

(i) The Bail Application is allowed;

(ii) It is directed that the Applicant shall be released on bail in Crime No. 434 of 2020 registered with Shivaji Nagar Police Station, Pune, for the offences punishable under Sections 302, 365, 364, 201 and 120-B of the Indian Penal Code, 1860, on

furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall attend the said Police Station on 1st day of every month between 10.00 am to 11.00 am, till the conclusion of the trial except on the date of trial;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]