

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 BAIL APPLICATION NO. 599 OF 2025

DATTARAO BABURAO CHOPADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. S.J. Salunke
APP for Respondents/State : Mr. N.D. Batule

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17/07/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 95/2024 dated 29.3.2024 registered with Parbhani Rural Police Station, District Parbhani for the offences punishable under section 302, 120-B, 34 of I.P.C.
3. The learned counsel for the applicant submits that co-accused Gajanan Uttamrao Chopade in above crime is granted bail by this Court vide order dated 4.3.2025 in BA No. 1833/2024 and the role of the present applicant is identical to that of co-accused Gajanan Chopade and only difference between the role of the co-accused and the present applicant is that there is no recovery at the instance of co-accused Gajanan Chopade whereas there is recovery of weapon i.e. Koyata used in the crime at the instance of present applicant. The learned counsel, therefore, prays to release the applicant on the ground of parity.
4. The learned APP has strongly opposed the application. The learned APP has produced the examination report given by Regional Forensic Science

Laboratory in which it is stated that no blood is detected on the weapon Koyta, Exh. 12 which is recovered at the instance of present applicant.

5. Having considered the rival submissions and on perusal of police papers, it appears that the alleged role of the present applicant is similar to that of Gajanan Chopade, who has been granted bail by this Court and the only difference in the evidence available against the present applicant and co-accused is that there is no recovery made at the instance of Gajanan Chopade and recovery of weapon is made at the instance of present applicant. However, the weapon recovered does not have stains of blood as such it cannot be connected with the crime. The case is based on circumstantial evidence on the theory of last seen together. The applicant and Gajanan Chopade is stated to be last seen with the deceased. The learned APP has also not disputed the above position. The applicant is arrested on 30.3.2024 and since then he is behind bars. Considering all above, I hold that bail can be granted to the applicant on the ground of parity.

6. In view of the above, the application is allowed in the following terms :

- a] The applicant shall be released on bail in connection with Crime No. 95/2024 dated 29.3.2024 registered with Parbhani Rural Police Station, District Parbhani for the offences punishable under section 302, 120-B, 34 of I.P.C., on furnishing PR bond of Rs.15,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
- c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- d] The applicant shall not tamper with the evidence of the

prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

8. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/