

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

904 BAIL APPLICATION NO. 2161 OF 2024

SHAIKH BABBU SHAIKH LATIF @ HP
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Surse Sunil B.
APP for Respondent No. 1/State : Mr. V.S. Badakh
Advocate for Respondent No. 2 : Mr.P. B. Salunke (Appointed
Through Legal Aid)
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 14.01.2025

PER COURT :-

1. The applicant seeks regular bail in Crime No. 185 of 2023 registered with Satara Police Station, District Aurangabad.
2. The previous Bail Application of the applicant was rejected by Sessions Judge. Thereafter, he approached this Court vide Bail Application No. 1815 of 2023. The same has been dismissed as withdrawn in month of November, 2023.

3. Learned Advocate appearing for the applicant submits that later on, this Court has granted bail to the accused Rameshwar Ambadas Gaikwad, vide order dated 23.09.2024 in Bail Application No. 1430 of 2024 and another accused Shaikh Hussain Shaikh Ibrahim, vide Bail Application 1701 of 2024, by order dated 25.10.2024. Learned Advocate further points out that the role of accused persons, who are subsequently enlarged on bail is the similar to that of the applicant, therefore, the applicant is entitle for bail on the ground of parity.

4. The learned APP submits that it is part heard Sessions trial and four witnesses have been already examined. Even the C.A. report is now received. The learned APP would further point out that the applicant has not moved bail application before learned Sessions Court on the ground of change in circumstances or parity and directly approached this Court by filing present application.

5. Considering the submissions advanced, it would be proper if applicant granted liberty to approach learned Sessions

Court on aforesaid grounds, which is better equipped to consider the aforesaid aspect of the matter. If the trial is likely to be delayed certainly the applicant would have more grounds to claim bail on the ground of parity. In that view of the matter, learned Advocate appearing for the applicant seeks permission to withdraw the application, with liberty to approach the learned Sessions Court seeking bail on aforesaid grounds. If such application is filed, learned Sessions Court shall consider the same on its own merits. Hence the Bail Application stands disposed of.

6. Learned Advocate Mr.P. B. Salunke, is appointed to represent respondent No. 2. His remuneration shall be paid by the Legal Services Authority, Sub Committee, High Court, Aurangabad as per rules.

(S. G. CHAPALGAONKAR)
JUDGE

mahajansb/