

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

CRIMINAL BAIL APPLICATION NO. 3166 OF 2025

Machindra Taru Bhil Applicant

Versus

The State of Maharashtra Respondent

Adv. Nagesh Khedkar a/w Mr. Prathamesh Bankar, Mr. Soham Powar, Mr. Shubham Sane and Adv. Sampada Patil, Advocate for the Applicant.

Dr. Ashvini A. Takalkar, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th AUGUST, 2025.

P.C. :

1. By this application, the Applicant is seeking regular bail in Crime No.489 of 2023 registered with Tembhurni Police Station, Solapur, for the offences punishable under Sections, 302 and 201 read with Section 34 of the Indian Penal Code, 1860 (for short, “IPC”).

2. It is prosecution’s case that on 19th June, 2023 at around 6:30 p.m., the Applicant and co-accused assaulted the deceased with fist & kick blows as well as stone and murdered him, and dead body

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of the deceased was disposed off.

3. It is contention of learned counsel for the Applicant that the Applicant is seeking bail on principle of parity. The allegations against the Applicant are that he assaulted the deceased with fist and kick blows, whereas the co-accused, against whom the allegations are that he assaulted the deceased with stone on his head, has been released on bail by this Court (Coram: Anil S. Kilor, J) vide order dated 14th October, 2024. Therefore, the Applicant is entitled bail on the ground of principle of parity, and requested to allow the application.

4. Learned APP fairly submitted that Applicant is entitled bail on principle of parity. Learned APP further submitted that key of the motorcycle of the deceased is recovered at the instance of the Applicant. It shows, his involvement in crime. If Applicant is released on bail, he may abscond or threaten prosecution witnesses, hence, requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. The allegations against the Applicant are that Applicant along with co-accused, assaulted the deceased with fist and kick blows. The co-accused, Atul Mutekar, against whom the allegations

are that he assaulted the deceased with stone on his head, has been released on bail by this Court (Coram: Anil S. Kilor, J) vide order dated 14th October, 2024. The allegations against the co-accused Atul are of a graver nature than those against the present Applicant. Hence, Applicant is entitled for bail on principle of parity, and I pass following order:

ORDER

- i. The application is allowed.
- ii. The Applicant shall be released on bail in Crime No.489 of 2023 registered with Tembhorni Police Station, Solapur for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount;
- iii. The Applicant shall attend the concerned police station as and when required.
- 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. The Trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)