

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.883 OF 2024

Akshay Eknath Bhoir Applicant

V/s.

State of Maharashtra Respondent

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Mr.Kabul Singh Labana, for the Applicant.

Mr.Prasanna P. Malshe, APP, for Respondent-State.

Mr.Nana Landge, PSI, Khadakpada Police Station.

Mr.Shinde, ASI, Bhiwandi Crime.

CORAM : SHIVKUMAR DIGE, J.

DATE : 06th FEBRUARY 2025

P.C:-

. By this Application, Applicant is seeking regular bail in Crime No.I-289 of 2016 registered with Khadakpada Police Station, Thane, for the offence punishable under Sections 302, 201, 364, 120-B read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. It is prosecution's case that, brother of the Complainant was abducted and murdered by the Applicant, co-accused and with a view to destroy the evidence, the body of the

deceased was buried. During the course of investigation, it revealed that, there was dispute between co-accused Mukund Bhoir and deceased Vijay Bhoir, on account of alienated property. The deceased was the cousin of co-accused Mukund Bhoir. Four to five months prior to the incident, there was a quarrel between co-accused Mukund and deceased. It is alleged that, the co-accused Mukund had allegedly hatched conspiracy with Applicant and other co-accused, services of Applicant were engaged to kill the deceased.

3. It is contention of the learned counsel for the Applicant that, allegations against the Applicant are that, he was part of the conspiracy and killed the deceased with hammer. But the said hammer is not recovered at the instance of the Applicant. The co-accused against whom same allegations are levelled have been released on bail. Hence, Applicant is seeking bail on principle of parity and requested to allow the Application.

4. It is contention of the learned APP that, the Applicant along with co-accused murdered the deceased by inflicting injuries on his body with sharp weapons and hammer.

The Applicant assaulted the deceased with hammer and the Applicant was last seen with the deceased. The trail is in progress. Out of the 42 witnesses, 4 witnesses have been examined, if Applicant released on bail he may abscond and threaten the prosecution witnesses. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused charge-sheet.

6. The allegations against the Applicant are that, the Accused No.1 Mukund Bhoir availed services of the Applicant and other co-accused to kill the deceased. The Accused No.1 and co-accused have been released on bail. Allegations levelled against the Applicant and co-accused are same. Hence, Applicant is entitled for bail on principle of parity and I pass following order.

ORDER

(i) The Applicant-Akshay Eknath Bhoir be released on bail in Crime No.I-289 of 2016 registered with Khadakpada Police Station, Thane,

on furnishing PR bond of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall attend the concerned Police Station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)