



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**BAIL APPLICATION NO. 250 OF 2026
WITH
CRIMINAL APPLICATION NO. 798 OF 2026
IN BA/250/2026**

**SHAM KAILAS UFAD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. P.P. More
APP for Respondent : Ms. P.V. Diggikar
Advocate for Assist to PP : Mr. U.G. Mitkari
...

**CORAM : RAJNISH R. VYAS, J.
DATE : 16TH MARCH, 2026**

PER COURT :

1. Criminal Application for assist to the prosecution, is allowed.
2. This is 2nd application for grant of bail.
3. Heard the respective counsels.
4. At the outset, learned counsel for the applicant fairly submits that this is a second bail application and the principal ground which is urged is the release of co-accused on bail by the Hon'ble Apex Court. He further contended that, apart from parity, it is his case that

there is no material available against the present applicant.

5. First information report in the present offence was registered on 14.06.2024, with Moujpuri Police Station, District Jalna, for the offences punishable under Sections 506, 504, 307, 302, 149, 148, 147 and 143 of the Indian Penal Code, on the basis of information supplied by one Shashank Anil Ufad. The present applicant is shown as accused no. 4, in the first information report. So far as parity is concerned, what has been relied upon is the order passed by the Hon'ble Apex Court which pertains to original accused no. 5 – Mr. Amol Kailas Upad.

6. Learned counsel for the applicant drew my attention to the order dated 15.10.2025 in Criminal Appeal No. 4555/2025, stating that the role played by the applicant is similar to that of the accused, Amol, who was released on bail by the Hon'ble Apex Court. He then submitted that it is the case of the prosecution itself that the complainant party was aggressor. He, therefore, submits applicant's bail application may be considered in the light of the order passed by the Hon'ble Apex Court.

7. Per contra, learned APP and learned counsel for the informant have submitted that the role of parity cannot be made applicable since the role assigned to the present applicant and said Amol

is totally different. According to learned APP and learned counsel for the informant, if statement of one Somesh /injured eye witness, is revealed, it would be crystal clear that present applicant, had assaulted the deceased on scrotum, chest and head by means of spade. They, therefore, contended that the application be rejected.

8. With the help of the respective counsels, I have gone through the record of the case. At the outset, when enquired learned APP has fairly submitted that trial is at fag end and almost 8 witnesses have been examined, and what remains are only five witness which will be examined soon.

9. It is necessary to mention here that first bail application of the present applicant was rejected on 03.02.2025, by this Court by detailed order. Thereafter, co-accused Amol has approached the Hon'ble Apex Court and his application was allowed. At this stage, it is necessary to mention here that in short, it is the case of prosecution that on the day of incident, due to boundary dispute, initially the deceased along with said Somesh was assaulted by the other accused. When the deceased and the injured were going towards the hospital along with the informant by the tractor, at that time, the present applicant along with others, stopped the tractor, some of them threw away the key of the tractor. So far as the

applicant is concerned, injured witness Somesh has categorically stated that by means of spade, the applicant had assaulted the deceased on scrotum, head and chest. Post mortem report clearly shows that there was injury to the scrotum.

10. Therefore, I come to conclusion that the principle of parity cannot be made applicable to the accused. No doubt, the Hon'ble Apex Court has released the co-accused Amol, on bail but the fact remains that the role of Amol was totally different since according to the case of prosecution, said Amol has assaulted the injured and the deceased by means of stick. The type of weapon used and body part chosen by the applicant makes a substantial difference. Hence, bail application is liable to be rejected. Accordingly, it is rejected.

(RAJNISH R. VYAS, J.)

SPC