



and Yash were suspecting that the informant and others made Satish to transfer his 50% property in the name of son-in-law Kunal Patil. Therefore, they were frequently visiting house of the informant at Pare, Tal. Khanapur, Dist. Sangli and they were quarreling with her.

3. On 19.02.2024 at about 10.00 a.m., the informant, her son Ajay, her husband and Haribhau Salunkhe were present at home. At that time, Renuka, Ashish and Yash along with Sakhubai came to the house of the informant by Fortuner four wheeler. Renuka, Ashish and Yash asked the informant to keep Sakhubai with her for two days. They further told her that they were giving limit of 48 hours to her brother for re-transferring property. They also asked to search brother of the informant for re-transferring the property and to keep Sakhubai with her till then. They threatened to see after 48 hours. The informant asked them to take Sakhubai with them. They left Sakhubai at the house of the informant and went away.

4. On 20.02.2024, at about 10:30 a.m., Renuka, Ashish and Yash came to the house of the informant by four wheeler. Yash called Sakhubai. He told the informant that he would take Sakhubai with them. They took away Sakhubai in four wheeler and returned at about 11.30 a.m. They told the informant that Sakhubai is not ready and she should be convinced. Renuka started quarrelling loudly. At that time, Vijay Patil, resident of Karve was present and he was

listening everything. The informant asked them to sort out their property dispute. Then, Renuka asked her children to teach a lesson to Sakhubai. Ashish and Yash dragged Sakhubai in the bedroom of the informant's house and closed the door from inside. The informant tried to open the door, but in vain. She heard shouts of Sakhubai. The informant told her husband and Vijay Patil that Ashish and Yash were beating Sakhubai. Both of them rushed to the spot and entered into the house. Vijay Patil asked Yash and Ashish to open the door, but they did not open the door. All of them were kicking the door from outside. After some time, Ashish and Yash came out of the room and they asked the informant to check Sakhubai. Ashish told the informant that only 5% work was over and he would see all three sisters after coming back from the prison after three months. They left the spot in Fortuner four wheeler. When the informant and others entered into the room, they noticed that Sakhubai was not making any movement and a towel was tied around her neck and there were marks around her neck. When the doctor was called to the spot, he declared Sakhubai dead.

5. Learned Advocate for applicant has argued on merits of the case as well as on the point that at the time of arrest, the applicant was not informed the grounds of arrest. She also seeks bail on the ground of parity. She submits that the applicant has not participated

in the actual commission of murder of deceased and he has only recorded the video of murder. Further submission is that the applicant is behind bar since last two years and trial has not commenced so far and therefore, he may be released on bail.

6. Learned APP on the other hand strenuously opposed the application stating that there is sufficient evidence collected during the investigation of the participation of applicant in the alleged crime. She submits that ground of arrest were informed to the applicant. The ground of parity is not available to the applicant as the role attributed to the accused, who is released on bail is different than that of the present applicant.

7. Heard learned Advocate for applicant and learned APP for the Respondent-State at length. With their assistance, perused the record.

8. It appears from the notice dated 20.02.2024 issued to the applicant under Section 50 of the Code of Criminal Procedure that the applicant was informed the grounds of arrest, therefore, there is no merit in the submission of applicant that his arrest is illegal as he was not informed the grounds of his arrest. The ground of parity claimed by the applicant is also not available to him as the role attributed to the co-accused, who is granted bail is quite different from the present applicant. The only role attributed to accused

No.3/mother of the applicant was that she instigated her sons to kill the deceased.

9. It appears that the applicant along with accused No.2 dragged the deceased in the bedroom and latched the door from inside, thereafter he has instigated accused No.2 to kill the deceased by throttling her. To make sure that the deceased has died, he asked accused No.2 to press his feet on the neck of the deceased. He has recorded the video of killing the deceased on his cellphone. It is therefore clear that the applicant has actively participated in commission of the crime. *Prima facie* there appears sufficient evidence showing the involvement of the applicant in the serious crime of murder.

10. The ground of long incarceration is not available to the applicant as it cannot be a sole ground to release the applicant on bail, since the offence of murder is punishable with life imprisonment or death sentence. No case is made out by the applicant for releasing him on bail. The application is therefore rejected.

(NITIN B. SURYAWANSHI, J.)