



CNR: MHLA01-000546-2023.
Sessions Case No. 16 of 2023.
State -Vs- Rohit & others.

ORDER BELOW EXT.107.

1. The applicant-accused No.1 has presented this application for grant of regular bail under Section 439 of Cr.P.C. in Crime No.426/2022 registered at Gandhi Chowk Police Station, Latur for the offences punishable under Sections 396 of IPC, 1860.

2. Brief facts of the prosecution are as under :

- On 20.10.2022, the police received information about foul smell was perceived from the Ganjgolai terrace. Hence, the police team visited the incidental spot. They found corpse of one person was lying in prone position with foul smell. The corpse was decomposing. Postmortem examination revealed the death of that person was caused due to grievous head injury. Police started investigation which revealed that the present applicant being a gang leader of the criminal gang of co-accused persons had committed dacoity with murder of the victim. They stole all the personal belonging of the victim along with the cash amount he possessed. Accordingly, police recovered the stolen articles with the incriminating weapon also from present applicant. The police filed charge-sheet against the applicant and co-accused persons.

3. In the aforesaid backdrop, the applicant has prayed for regular bail on the grounds that the applicant is falsely

implicated in this crime. No any direct evidence of the said incident is found. Police implicated the applicant only to show the murder mystery was resolved. Allegedly, the cell-phone was robbed, but it had not been recovered during investigation. In-fact, the police did not even obtain the CDR and SDR related to the SIM card in the said cell-phone. The available witnesses as well as CCTV footage from the incidental vicinity were not pursued by the police. In-fact, the co-accused persons are already released on bail. The applicant deserves grant of bail on principle of parity. The applicant has been detained in the custody since 28.10.2022. Therefore, the applicant is entitled for grant of bail.

4. The I.O. and A.P.P. have presented their common reply vide Ext.111 materially by reiterating aforementioned prosecution case. They further submit that the crime committed by present applicant is a serious one. He is a history-sheeter. His release will pressurize the prosecution witnesses as well as he will repeat commission of crime. Hence, the application needs to be rejected.

5. I have heard arguments of Id. Advocate Mr. J.G. Mitkari for the applicant and Id. APP Mr. S.R. Mundada for the State. They have reiterated the aforementioned respective cases. After perusing the record, the points arise for determination are answered for the reasons as under :

Sr. No.	P O I N T S	F I N D I N G S
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1)	Whether the applicant is entitled for grant of bail under Section 439 of Cr.P.C.?	:	No.
2)	What is order ?	:	As per final order.

R E A S O N S

As to point No.1 :

6. The alleged murder was committed while conducting alleged dacoity. Allegedly, the present applicant is the leader of the criminal gang of his associates – the accused persons. It is also the fact found from record that the applicant was earlier also involved in various crimes against body and property. The manner of committing the said crime was horrific and grave. The gang of criminal had thrashed almost the entire head and other body parts of the victim to death. During investigation, the robbed articles were seized from the said criminal gang. The statements of witnesses reveal involvement of present applicant in beating and later on the victim was found dead in the historical monument – Ganjgolai in the heart of Latur city. The incident came to light only after the corpse of victim was decomposed. Considering the nature of the crime, at this stage, release of applicant will create fear in the mind of the prosecution witnesses.

7. The prosecution has initiated the trial wherein two witnesses are examined. It is not the stage for conducting scrutiny of the said oral testimony, but what apparently evident

is the involvement of the applicant in commission of the alleged crime. This is not the stage where the applicant can be released on bail. Let the prosecution shall complete recording the evidence of witnesses. To that extent, the directions can be given for the speedy disposal of the case. The ground of present applicant to apply principle of parity to him also on account of release of co-accused persons is not sustainable. The applicant is the gang leader who allegedly prepared plot of the present crime. Therefore, his application for grant of bail is not sustainable. Hence, I answer point No.1 in the negative.

As to point No.2 :

8. The applicant has not succeeded to prove the present application. Hence, I pass the following order :

O R D E R

1. The application is rejected.
2. The prosecution is directed to expedite the trial of this case.

Date : 19.06.2026.

(R.R. Bhosale)
Additional Sessions Judge,
Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".	
(V.S. Patil)	
Stenographer (Grade-1)	
NAME OF STENOGRAPHER	
Name of the Judge (With Court Room No.)	: Shri R.R. Bhosale, Additional Sessions Judge-1, Latur. (18)
Date for pronouncement of Judgment/Order	: 19.06.2026.
Judgment/Order signed by P.O. on	: 19.06.2026.
