

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

CRIMINAL APPLICATION NO. 1699 OF 2015

Prashant @ Baban S/o Suresh Relan

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. N.N.Desale, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th APRIL, 2015

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PER COURT :

1. By the present application, applicant is seeking bail in connection with Crime No. 151/2014 registered with Dhule City police station, Dhule for the offences punishable u/s 302,143, 147, 148, 149 read with 34 of the Indian Penal Code.

2. Heard Mr. N.N.Desale, learned Counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent – State.

3. The investigating agency has completed its entire investigation and charge sheet is filed before the Court of law.

4. The applicant is in jail since 03/07/2014. Name of deceased is Akash. The brother of deceased by name Vicky Suresh Tolani has lodged F.I.R. From the F.I.R., it is clear that the role is attributed of assault on deceased Akash by the present applicant and by one Manish. According to the prosecution case, these two persons assaulted on deceased Akash by means of knife on his legs. Postmortem report shows that the injuries were only on the legs and thigh of the deceased. The cause of death is excessive bleeding.

5. Co-accused Manish is already released on bail by this Court on 24/03/2015. The role attributed to the present applicant is at par with the role attributed to accused Manish, who is released on bail. Therefore, surely the present applicant is entitled for the favourable consideration of his bail application on the principle of parity. Further, charge sheet is filed. The continuance of the custodial presence of the present applicant, in view of the aforesaid aspect, is not necessary.

6. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Prashant @ Baban S/o Suresh Relan be released on bail in connection with Crime No. 151/2014 registered with Dhule City police station, Dhule for the offences punishable u/s 302, 143, 147, 148, 149 read with 34 of the

Indian Penal Code on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount. Bail before the trial Court.

(iii) The applicant shall not enter the territorial jurisdiction of Dhule City police station till the completion of trial.

(iv) If it is found that the applicant has committed any default of the condition, that will give cause to the prosecution for filing application for cancellation of bail.

(v) The aforesaid observations are restricted only to the present Criminal Application.

(vi) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]