

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1972 OF 2014

Harish @ Gotya Ramchandra Naik. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ganesh Gole i/b. Mr. Amarsinha Sankawade, advocate for
applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 14, 2015

P.C.:

1 Heard the learned Advocate for the applicant and the learned
APP for State. Perused papers.

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 23/8/2013 in
Crime No. 97 of 2013 registered at Indira Nagar Police Station for
offence punishable under Section 302, 147, 148, 149, 120(B) read
with Section 34 of the Indian Penal Code and Section 25(1) (3) of

the Indian Arms Act and Section 135 of the Bombay Police Act. Investigation is completed and charge-sheet is filed.

3 Learned APP fairly submits that there are in all 22 accused persons in the present case. 20 persons have been enlarged either by way of pre-arrest bail or by regular bail.

4 The case of the prosecution in a nut shell is that on 11/8/2013 one Vijay Padiyar had informed the police that he had been near Civil Hospital for engaging a tempo to bring scrap from Mahad. At that time, he had seen that one person was being chased by several people. The said person was shot and he had succumbed to the bullet injury.

5 In the course of investigation, the applicant was arrested. He was subjected to test identification parade. However, he was not identified by the complainant. It is the case of the prosecution that the Investigating Officer had seized two country made pistol and two

live cartridges from the possession of the applicant. That is the solitary incriminating evidence against the present applicant.

6 The learned Counsel for the applicant submits that he has been in jail for more than one year. All other accused are enlarged on bail. The applicant could at most be prosecuted under the provisions of Indian Arms Act and hence, the applicant deserves grant of bail by virtue of doctrine of parity.

7 The observations made herein above are prima facie in nature. The same shall not be considered while deciding application for discharge or for quashing of FIR or at the time of trial.

8 Hence, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.

(iii) The applicant shall report to the concerned police station on first Sunday of every month between 10 a.m. to 12 noon till the conclusion of the trial.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)