

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.263 OF 2015

Ratan P. Khanal

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Ganesh Bhujbal for the Applicant

Mr.Ajay Patil, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 23, 2015**

P.C.:

1. The application is moved for bail. The applicant is arrested and inside the jail since 1.1.2015 as he has committed offenses under section 332 and 395 of the Indian Penal Code. It is the case of the prosecution that on the night of 31.12.2014, when the complainant who is working as a constable was patrolling in the Kasarveli village near Aare-Ware market. At that time, some persons were singing and dancing at around 1.30am and they have given permission till 12 midnight. The complainant and the police told them to switch off the music system. However, the applicant/accused and the co-accused argued with them and they manhandled the constable and one of them snatched gold chain on the person of the complainant and therefore, the offence is registered against the applicant.

2. The learned Counsel for the applicant has submitted that another accused, whose name has appeared in the complaint, is granted bail on 27.1.2015 by this Court. He also submits that the applicant was not present and his name is not appearing in the FIR. In view of this and on the ground of parity, he prays for bail.

3. The learned Prosecutor opposes the bail application.

4. Perused the FIR. As pointed out by the learned Counsel for the applicant/accused, this Court by its order dated 27.1.2015, has granted pre-arrest bail to one of the accused whose name is appearing in the FIR.

5. In view of the charges levelled against the applicant/accused and as his name is not appearing in the FIR, the Anticipatory Bail Application is allowed on the following terms:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.15,000/-, with one or two solvent sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall not indulge into any kind of offence while on bail;

- iv) In case the applicant/accused changes his address, he shall communicate the same to the concerned police station, immediately;
- v) The applicant/accused shall attend on all the Court dates.

(MRS.MRIDULA BHATKAR, J.)