Vishal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1062 OF 2015

Ravi Suryakant Jadhav ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Rahul Kate, for the Applicant.
Mrs. Veera Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **JULY 28, 2015**

P.C.:

. The application is moved for bail as the applicant/accused is facing charges for the offence punishable under Section 302 read with 34 of the Indian Penal Code in C.R. No. 590 of 2014 registered with Baramati City police station, Baramati.

2. It is the case of the prosecution that one Parvati Dhotre gave information to police that her son Anil Dhotre was murdered by the applicant/accused and co-accused as they suspected that cell

phone of one Avinash Jadhav was stolen by the deceased Anil. Therefore, the applicant/accused and co-accused assaulted the deceased Anil on 21st December, 2014 on the suspicion, with iron rod. He was found injured and succumbed to the injuries on 23rd December, 2014. The offence was registered on 24th December, 2014 and the applicant/accused was arrested on 12th January, 2015. Hence, this bail application.

3. The learned counsel for the applicant/accused has submitted that he seeks ground of parity as this Court has granted bail to the co-accused Sachin Kamble on 10th July, 2015 in Bail Application No. 876 of 2015. He submitted that there is evidence of recovery of iron rod at the instance of the applicant/accused, however the said recovery has taken place on 13th January, 2015 and no blood stains were found on the said rod. He submitted that the case of the prosecution stands on the hearsay evidence. Therefore he be released on bail.

4. The learned prosecutor opposed the bail application on the ground that the offence is under Section 302 of the Indian Penal

Code. There is recovery of iron rod at the instance of the applicant/accused. She relied on the postmortem report of the deceased Anil Dhotre.

5. Perused the first information report, the postmortem report, the recovery panchanama and other documents. It is a case of murder, however, the evidence available against the applicant/ accused is only of recovery of iron rod and that too after 20 days of the incident. No blood stains were found on it. Whatever evidence available is in the nature of hearsay. As the co-accused is released by this Court, the applicant/accused is also entitled to be released on the ground of parity.

6. Hence, I grant bail as under:

a) The application is allowed.

b) The applicant/accused be enlarged on bail upon furnishing P.R. Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

c) He shall not tamper with the evidence and shall not pressurize the witnesses.

d) He shall not indulge into any criminal activity, while on bail.

e) He shall make himself available and attend all the Court dates regularly.

f) He shall not abscond and furnish his address to the police station along with address proof.

g) He shall not leave India without the prior permission of the Court.

h) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

7. Bail application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)