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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1132 OF 2015

Anand Parshuram Pasalkar

... Applicant

Vs

The State of Maharashtra

... Respondent

Mr.Rajiv Patil, Senior Counsel a/w Mr.Prashant Patil, for the Applicant.

Ms.Veera Shinde, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 20th AUGUST, 2015

P.C. :

1. Heard the learned senior counsel for the Applicant and the learned APP for the Respondent-State.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.167 of 2014 registered with the Marketyard Police Station, Pune, for the alleged offences punishable under Sections 302, 307, 506 r/w 34 of the Indian Penal Code.
3. The complainant is the wife of the deceased – Sunil Gade. According

to the complainant, the deceased – Sunil was doing the business of selling and purchasing of land. She has alleged that there was some transaction that had taken place between the accused including the applicant and her husband and that there was some altercation on account of the same between them. On 2nd December, 2014 an incident took place at around 11.00 p.m. in which the present applicant and the other two co-accused assaulted the deceased - Sunil. Pursuant to the assault, the deceased went to the police station and lodged a complaint which was recorded as an N.C. Thereafter, the deceased went home and disclosed to the complainant that he was assaulted by the present applicant and the two co-accused by fist and kick blows and with a belt. The applicant was admitted to the hospital on 5th December, 2014 and the deceased succumbed to the injuries on 7th December, 2014. The cause of the death was stated to be 'due to head injury'.

4. Learned Senior Counsel for the applicant seeks bail on the ground of parity. He states that two other co-accused who were more or less similarly placed, as the present applicant have been enlarged on bail by this Court vide order dated 7th August, 2015.

5. Learned APP does not dispute the fact that the two other co-accused who were more or less similarly placed, as the present applicant have been enlarged on bail by this Court vide order dated 7th August, 2015

6. Perused the order dated 7th August, 2015 and the charge-sheet. It appears that the allegations as against the present applicant are identical to the two other co-accused who have been enlarged on bail by this Court vide order dated 7th August, 2015. Initially an offence under Section 307 was registered as against the applicant and others vide C.R.No. 167 of 2014 with the Marketyard Police Station, Pune and as the deceased – Sunil succumbed to his injuries, Section 302 of the Indian Penal Code, was added to the aforesaid C.R. The Applicant came to be arrested on 6th February, 2015. According to the statement of the eye-witnesses the deceased was assaulted by the present applicant and two other co-accused by fist and kick blows. The dispute was on account of a transaction between the accused and the deceased. Admittedly, the applicant was not armed with any deadly weapon. Even attack on the deceased does not appear to be premeditated. Admittedly, the incident of assault took place on 2nd December, 2014, the deceased was admitted to the hospital on 5th

December, 2014 ; and he succumbed to the injuries on 7th December, 2014.

6. Learned APP states that the applicant has two cases registered as against him, one in the year 1995 and other in 2002. Learned Senior Counsel appearing for the Applicant states that in both the cases the applicant have been acquitted.

7. Considering the aforesaid facts, i.e. on merits and on parity, the Applicant deserves to be enlarged on bail on the following terms and conditions :-

ORDER

- i) The Applicant is enlarged on bail on furnishing P.R.Bond in the sum of Rs.50,000/- with one or two solvent surety/s in the like amount ;
- ii) The Applicant shall not tamper with the evidence and shall not pressurize the complainant or other witnesses ;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or

change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Marketyard Police Station, Pune, ;

- iv) The Applicant shall make himself available and attend all the Court dates regularly ;
 - v) The Applicant shall stay out of Pune city till 30th September, 2015 except attending the Court dates ;
 - vi) It is made clear that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.
8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein are prima facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.