

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO.1418 OF 2015**

Govind @ Kalu Veersingh Marothiya
versus

..Applicant.

The State of Maharashtra

..Respondent.

.....
Mr. Rajan Pawar for the Applicant.
Ms. S.S. Kaushik, Addl. P.P. for the State.

.....
CORAM : A.S. GADKARI, J.

17th August 2015.

P.C. :

Heard the learned counsel for the Applicant and the learned APP. Also perused the report submitted by the Police Sub-Inspector, Ulhasnagar Police Station, the Investigating Officer in the present case. The Applicant has been arraigned as an accused in C.R. No.I-102 of 2015 registered with Ulhasnagar Police Station under Sections 307, 143, 147 and 149 of the Indian Penal Code.

2. Heard the learned counsel for the Applicant and the learned APP for the State and also perused the record.

3. A bare perusal of the First Information Report dated 4th April, 2015 discloses that accused Sudhir Singh was holding a sword in his hand and accused Lalli and Manoj were having iron rods. It is the case of the complainant Avtar Singh that accused Sudhir Singh tried to give a blow with sword on his head which he resisted by hand and accused Lalli and Manoj inflicted blows by means of iron rods. Thereafter Sudhir Singh again inflicted a blow with sword on his head. The medical certificate issued by the Medical Officer Central Hospital, Ulhasnagar-3 mentions, in all five injuries on the body of the victim,

out of which injury No.1 is grievous injury. The complainant in the FIR has not ascribed any specific role to the Applicant except mentioning the fact that the Applicant was present at the spot and was instrumental in beating the complainant with stones, fists and kick blows.

4. The learned counsel for the Applicant submitted that the other two accused persons viz. Hardeep Singh and Bharat Sonawane who are similarly placed in situation, as the Applicant, have been released on bail by the Trial Court, despite the fact that there were antecedents against them and he is claiming parity with the said two accused persons.

5. The police report discloses that there are in all five cases pending against the Applicant. The co-accused viz. Hardeep Singh has three cases pending against him and Bharat Sonawane the other co-accused was having seven cases pending against him at the time of grant of bail to them by the Trial Court. In the circumstances, I find that the Applicant is entitled for parity with Hardeep Singh and Bharat Sonawane.

6. The Applicant is therefore entitled for release on bail on the following terms and conditions :

- (i) The Applicant is released on bail of Rs.50,000/- on executing P.R. Bond with one or two solvent sureties in the like amount;
- (ii) The Applicant shall attend the Ulhasnagar Police Station once in fifteen days on every Monday between 11.00 a.m. and 1.00 p.m.
- (iii) Except from attending the Ulhasnagar Police Station as mentioned herein above and attending the Court cases which are pending, the Applicant shall not enter into the jurisdiction of Commissioner of Police, Thane till the disposal of the present case.

(A.S. Gadkari, J.)