

Anand

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

BAIL APPLICATION NO.1672 OF 2015

Kiran Lahu Kanase .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.M.R.Bodake, Advocate, for the Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 30.09.2015

P.C.

. Heard learned 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.I-139 of 2014 registered with the Kamothe Police Station, Navi Mumbai, for the alleged offences punishable under Sections 302, 341, 120B r/w.34 of the Indian Penal Code, under Section 7(27) of the Indian Arms Act and under

Sections 37(1), 135 of the Maharashtra Police Act.

3. Learned counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused i.e. Chandrakant Sampat Kamane has been enlarged on bail by this Court vide order dated 11.09.2015 passed in B.A.No.982 of 2015. He submits that the entire prosecution case rests on circumstantial evidence and that there is no material to connect the applicant with the alleged offences. He submits that there is no recovery of weapon or clothes at the instance of the applicant. He submits that according to the prosecution, the only allegation is that the applicant procured a shaving blade which was used in the commission of the alleged offences.

4. Learned APP does not dispute the fact that the role of the applicant is similar to that of the co-accused, Chandrakant Sampat Kamane, who has been enlarged on bail. With regard to the antecedents of the applicant, the learned APP submits that three cases which have been registered as against the applicant are of the year 2009 and 2010 for the alleged offences punishable under Sections 323 & 324 of the Indian Penal Code. He submits that there is another case which was registered in the year 2011 for the alleged offences punishable under Sections 307, 332, 147, 148, 149 and that the said case was political in nature. Learned APP does not dispute that co-accused Chandrakant Kamane, who has been enlarged on bail also had antecedents. The learned APP has not pointed any other material distinguishing the role of the applicant from co-accused Kamane.

5. Considering the aforesaid and the fact that charge-sheet is filed, the applicant is also entitled to be enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend the Kamothe Police Station, Navi Mumbai on the first and third Saturday of every month between 10:00 a.m. to 11:00 a.m. initially for a period of 6 months and thereafter, on the first Saturday of every month till the conclusion of the trial;

(iii) The applicant shall not tamper, threaten or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) 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 concerned Police Station;

(v) The applicant to cooperate in the conduct of the trial and shall attend the Court on every date;

(vi) The applicant shall not enter the jurisdiction of the Kamothe Police Station, Navi Mumbai till the conclusion of the trial, except for the purpose of attendance, at the police station;

(vii) The applicant shall file an undertaking with respect to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.