

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

BAIL APPLICATION NO.1910 OF 2015

Bhanudas Laxman Kolekar ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

BAIL APPLICATION NO.1909 OF 2015

Aadik Bharat Salunke ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Anil Lalla with Ms Beerta H. Bajwa and Ms Monika

Malkani i/b. M/s. Lalla & Lalla for the Applicants.

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

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 16th DECEMBER, 2015.

P. C. :

These are bail applications filed by the aforesaid Applicants, who are facing trial in Sessions Case No.13 of 2015 pending on the file of District Judge-2 and Additional Sessions Judge, Alibag. The said sessions case arises from C. R. No.I-139 of 2014 registered with Kamothe Police Station, Navi Mumbai, for the offences punishable under sections 302, 341 and 120B r/w. section 34 of the IPC and section 7 (27) of Civil Protection Act and sections 37(1) and 135 of the Maharashtra Police Act.

2. The facts of the prosecution case in brief, are that the Applicants alongwith the others had hatched conspiracy to cause death of one Ankush and accordingly on 22.7.2014 they had committed murder of Ankush Mhaiskar. The FIR was lodged by the brother of the deceased. Perusal of the FIR reveals that the body of Ankush was found lying on a road in an injured condition. The body was shifted to M.G.M. Hospital, Kamothe, where he was declared dead. Cause of the death as per the post mortem report was due to multiple injuries on the body of the deceased. Brother of the deceased had therefore, lodged FIR against the unknown persons for causing death of his brother Ankush. During the course of the investigation 12 accused persons including the present Applicants came to be arrested.

3. The learned counsel for the Applicants submitted that the co-accused Chandrakant Kamane and Kiran Kanase have been enlarged on bail by this Court. He has further submitted that the Applicants are also entitled for bail on the ground of parity.

4 The learned APP does not dispute the fact that the role of the Applicants is similar to those of the accused Chandrakant and Kiran.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicants and the learned APP for the Respondent -State. The records reveal that the co-accused Chandrakant and Kiran have been enlarged on bail. There is no material distinguishing the role of the present Applicants from those of the co-accused Chandrakant and Kiran.

6. Under these circumstances, the applications are allowed on the following terms and conditions:-

(I) the Applicants be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand only) each with one or two sureties in the like amount to the satisfaction of the Sessions Judge, Alibag.

(II) The Applicants shall attend the Kamothe Police Station, Navi Mumbai on the first and third Saturday of every month between 10.00 a.m. to 11 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 Applicants shall not tamper, threaten or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(IV) The Applicants shall inform their 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 Applicants to cooperate in the conduct of the trial and shall attend the Court on every date;

(VI) The Applicants 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 Applicants shall file an undertaking with respect to clauses (ii) to (vi) in the Trial Court, within two weeks of their release;

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

(ANUJA PRABHUDESSAI, J.)