

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

CRIMINAL BAIL APPLICATION NO.2170 OF 2015

Mudassir Ahmed Patel ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. P.B.Shah for the Applicant
Mr. S.S.Pednekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 05, 2015.**

P.C.

1. This is an application for bail filed by the applicant herein who has been arrested in Crime No.146 of 2015 registered with Mangaon Police Station for the offence punishable under Section 307, 353, 506 r/w. 34 of the Indian Penal Code.

2. Mr. Shah, the learned counsel for the applicant has submitted that the applicant is not involved in committig offence under Section 307 of IPC. He has further stated that the presence of the applicant

is not required in custody. He has further submitted that the co-accused against whom similar allegations are made, is already released on bail, hence the applicant is entitled for bail on parity.

3. The learned APP submitted that the crime has been registered against the applicant for offences under Section 307, 353, 506 of IPC which is of serious nature, and that his bail application has been rejected by the Sessions Court. He therefore contends that the applicant is not entitled for bail.

4. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties. The records prima facie reveal that one Mahesh Laxman Sagar, Tahshilar /S.D.M. Of Mangaon, had lodged a FIR dated 10th October, 2015 stating that on 10th October 2015 at about 12.30 a.m. while he was discharging his duty he had tried to intercept the dumper MH 05 AM 2141. However, the driver did not stop the vehicle and when he tried to stop the vehicle, the driver tried to run the vehilce over him to kill him. Subsequently, he took the driver of the said dumper to one

Anand Hotel, Mangaon. It is alleged that the applicants were present in the said hotel and that they had obstructed the complainant from discharging his duty.

5. The FIR does not reveal tht the applicant was involved in the offence under Section 307 of the IPC. The allegations against the applicant is for committing offences under Setion 353 and 506 of the IPC. Maximum sentence for offence under Sectio 353 of the IPC, which is only the nonailable offence, is two years. The applicant is in custody since 10.10.2015. Considering the nature of the offences and the allegations levelled against the applicant, in my considered view the presence of the applicant is no more required in the custody for interrogation. Furthermore, the co-accused against whom similar amputations were made are already released on bail. Hence the applicant is entitled for bail on the ground of parity.

6. Under the circumstances, and in view of the discussion supra, the application is allowed on the following terms:

i) The applicant is ordered to be released on bail on the applicant

furnishing bail bond of Rs.15,000/- (Rupees Fiteem Thousand Only) with one solvent surety in the like amount to the satisfaction of the learned JMFC, Mangaon.

ii) The applicant shall report to the Investigating Officer for four days between 10 a.m. to 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.

(ANUJA PRABHUDESSAI, J.)