

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 138 OF 2016**

Sambhaji Shivaji Salunke

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. R. V. Bansode for the Applicant

Mr. Arfan Sait, A.P.P for the Respondent-State

PSI Mr. Lahane from Kamothe Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 12th APRIL, 2016

P.C. :

1. 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, 1870 and under Sections 37(1), 135 of the Bombay Police Act.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that the co-accused Adinath Hasraji Garje was enlarged on bail by this Court vide order dated 11th September, 2015 passed in Bail Application No. 1468 of 2015. The said order is on page 36 of the application.

4. Learned Counsel for the applicant states that there is no recovery against the applicant and that the applicant stands on a better footing than the applicant, who is enlarged on bail.

5. Learned A.P.P on the instructions of the Investigating Officer, who is present in the Court, does not dispute the fact that the applicant's role is similar to that of Adinath Garje, who has been enlarged on bail. He submits that there is CDR record but does not dispute the fact that there is no recovery *qua* the applicant. He submits that the applicant has no antecedents.

6. Considering the aforesaid, the applicant is granted bail on the ground of parity, on the following terms and conditions:

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the Kamothe Police Station, Navi Mumbai on the first Saturday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;
- (iii) The applicant shall not tamper 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.

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

8. 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.

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

REVATI MOHITE DERE, J.