

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

CRIMINAL BAIL APPLICATION NO.362 OF 2016

Rajendra Mangal Pawar Applicant

versus

The State of Maharashtra ... Respondent

Mr.K.S. Labana for the applicant.

Mr.A.S. Patil, Addl. Public Prosecutor, for the respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 01st SEPTEMBER, 2016

P.C. :

1. This is an application under section 439 of the Cr.P.C. for bail in CR No.I-36/2014 dated 06/04/2014 registered with Tokawade Police Station, Taluka Murbad, District Thane, under sections 302, 307, 326, 324, 323 r/w 34 of the Indian Penal Code.

2. The First Information Report is lodged by Mr.Kantaram Narayan Pawar. The name of the deceased is Tatu Narayan Pawar. It is alleged in the FIR that the accused persons namely Mangal, Krushna, Rakesh and the applicant initially assaulted Kantaram and subsequently assaulted Laxman, Tatu and Mahesh by iron rods and wooden logs.

3. The earlier application preferred by the applicant bearing Criminal Application No.887 of 2015 was withdrawn and the applicant was granted liberty to file a fresh bail application if the trial pertaining to the present crime does not conclude within a period of 9 months from 28/09/2015. Learned counsel appearing for the applicant submitted that the trial has not yet completed and he has filed the present application mainly on the ground of parity with Mangal.

4. After perusing the charge sheet and the statements of witnesses, it is clear that the role attributed to the present applicant is same and similar to that as has been assigned to Mangal and parity is applicable to the present Applicant. Mangal has been granted bail by this Court by its order dated 06/02/2015. The applicant was arrested on 27/04/2014 and since then he is in jail. As stated earlier, the principle of parity is applicable to the Applicant coupled with the fact that after the directions were issued by this Court by its order dated 28/09/2015, the trial is not yet completed within the stipulated period. The applicant is therefore entitled for his release on bail on the ground of parity.

5. Hence, the following order :

- (i) The applicant be released on bail in C.R. No.I-36/2014 registered with Tokawade Police Station, Taluka Murbad, District Thane, on his furnishing PR bond of Rs.25,000/- with one or two local sureties in the like amount.
- (ii) After his release from jail, the applicant shall attend the Tokawade Police Station, once in a month i.e. on every first Monday of the month between 11.00 a.m. and 03.00 p.m. till the completion of trial.
- (iv) The applicant shall also attend all the dates before the trial Court.
- (v) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of cancellation of bail.
- (v) Criminal Application is allowed in the aforesaid terms.

6. In view of the order passed in present application, the Criminal Application No.268/2016 does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)