

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 750 OF 2016

Ishwar Shivaji Salunkhe vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. J.B. Mishra for the applicant.

Mrs. Rutuja Ambekar, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 28th September, 2016

P.C.

1. The applicant is seeking bail in C.R. No. 397 of 2014 dated 12/10/2014 registered with V. P. Road police station, Mumbai under Sections 302, 504 read with 34 of the Indian Penal Code.

2. The first information report is lodged by Shri Vikey Singh on 12/10/2014. In the said report, first informant has stated that on 11/10/2014 at about 9.00 p.m. he along with Shri Reddy (deceased) were sitting on the footpath near Ashok Book Centre. At that time, 4 unknown persons were beating one person. That the said Shri Reddy intervened in the said fight and abused the said 4 persons and separated the fight. Thereafter, the complainant and the said Shri Reddy slept on the footpath. At about 1.00 a.m. on 12/10/2014, the complainant heard shouts of Shri Reddy. At that time he saw that the said 4

unknown persons were beating Shri. Reddy by fist and kick blows. One of the persons gave blows with elbow of his hand. Due to the said beating, Shri Reddy got unconscious. The said persons thereafter stopped beating and went away by walk. While going, one of the persons slapped the complainant. The said Shri Reddy was subsequently admitted to the hospital. There were severe injuries to his head, chest and neck. The said Shri. Reddy succumbed to his injuries on 18.10.2014 in hospital. In the premise, the first informant lodged the report.

3. The learned counsel appearing for the applicant submitted that the co accused namely Akshay @ Bango Chavan has been released on bail by this Court by an order dated 27.1.2016. He submitted that the role attributed to the present applicant is same and similar that to co accused including the circumstances propounded by the prosecution against the applicant and the co accused. He therefore, submitted that the present applicant is entitled to be released on bail on the principle of parity.

4. The learned APP fairly conceded to the said factual position and submitted that the role attributed to the present applicant and the co accused is same and similar and the observations made in the said order are squarely applicable to the case of the applicant. In view of the above, the applicant has made a case for his release on bail on the ground of parity.

Hence, the following order.

- i) The applicant shall be released on bail in C.R. 397 of 2014 registered with V. P. Road, police station, Mumbai on his furnishing P.R. bond of Rs.25,000/with one or two solvent local sureties in the like amount.
- ii) After his release from the jail, the applicant shall attend V. P. Road police station on every 1st and 3rd Monday of the month between 10.00 a.m. to 12.00 noon till the completion of trial.
- iii) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.
- iv) The Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)