

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1691 OF 2016

Meghraj Nikam. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Amit Munde, advocate for Applicant.

Mr. S.H. Yadav, APP for State.

Mr. D.V. Kalange, Police Naik, Pusegaon Police Station, Satara.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 18, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 63 of 2016 registered at Pusegaon Police Station for offence punishable under Section 307, 324, 323, 504, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that there was a fair at village Pusegaon of God Bhairavnath. At the time of fair there was a dispute between two groups in respect of procession of the Palanquin of God Bhairavnath. At that time there was some altercation. It is alleged that the present applicant had caught hold of Santosh Rajaram Pawar and the accused Chikya @ Suraj Tatyaso Nikam had assaulted the first informant.

4 It is pertinent to note that the co-accused Rahul Karne has been granted pre-arrest bail by the Hon'ble Predecessor Bench vide order dated 20/7/2016. By virtue of doctrine of parity, the applicant deserves grant of pre-arrest bail. The accused Suraj Nikam is in custody. The co-accused shall not claim parity with the present applicant.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973.

6 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 63/2016, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- and one or more sureties in the like amount.
- (iii) The applicant shall report to the Pusegaon police station on every alternative Sunday for a period of 3 months and cooperate with the Investigating Officer to the best of his capacity.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)