

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2016 OF 2015

Rakesh Narayan Saroj

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Rajiv Patil senior counsel i/b Mr. Akshay M. Gosavi Advocate for Applicant.

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

Mr. A. P. Bhagat, WPSI Vasai Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : AUGUST 25, 2016.

PC :

1) Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. Applicant herein is arrested on 08/12/2013 in crime no. 151 of 2013 registered at Vasai Police Station for offence punishable under section 302, 307, 201, 120 (B) r/w 34 of the Indian Penal Code. It appears that investigation is completed and charge-sheet is filed in February 2014. Earlier application seeking enlargement on bail was withdrawn by the applicant before this Court on 15/09/2014.

2) It is the case of the prosecution that on 01/12/2013, one Rahul Thakur lodged a report at the police station, alleging therein that he and his brother

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Shailesh are working together. That on 01/12/2013 at about 10.00 a.m., he and his brother Shailesh were returning home from the office. That Vento Car bearing no. MH 04 EX 9954 had crossed them. That Shailesh had been to the office on the next day. The first informant had followed him. There was a conversation with his brother. Suddenly he had seen 5 – 6 persons who had covered their faces with scarf and mufflers and opened fire upon Shailesh. Some of them had inflicted injuries upon Shailesh with the sword with which they were armed. The first informant had informed the brother of deceased that Shailesh has been admitted at Cardinal hospital for treatment. Shailesh had succumbed to the injury by firing.

3) The learned senior counsel appearing for the Applicant submits that the persons to whom the role has been attributed, have been enlarged on bail by this Court. It is submitted that the role attributed to the present Applicant has surfaced in the statement of one Mehul Aamre who had stated that present Applicant had taken his motorcycle on that day which was subsequently found in an abandoned condition. It is the case of the prosecution that the unknown persons had, in all probabilities, used the vehicle which was taken by the present Applicant from Mehul Aamre.

4) Taking into consideration the nature of allegations as against the allegations levelled against the co-accused, this Court is of the opinion that the Applicant would be entitled to the relief on bail by virtue of doctrine of parity. However, it is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount.
- (iii) Applicant shall report to the concerned police station on six consecutive Sundays, commencing from 04/09/2016 between 10.00 a.m. to 12.00 noon.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)