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

CRIMINAL BAIL APPLICATION NO. 2488 OF 2016

Sachin Suresh Hatpale @ Micheal	...Applicant
Vs.	
State of Maharashtra	...Respondent

Mr. Viral K. Rathod, Advocate for the Applicant
Smt. J.S. Lohokare, APP for the State

**CORAM : M.S. KARNIK, J.
DATED : 13TH DECEMBER, 2016**

PC. :

1. This is an application for bail under Section 439 of the Criminal Procedure Code in C.R. No. 326 of 2015 registered with Bhandup Police Station, Mumbai dated 7th June, 2015 under Sections 302, 452, 427, 506(2), 143, 144, 146, 147, 148, 149, 120(B) of the Indian Penal Code and under Section 4 & 27 of the Arms Act and under Section 37(1)(a) r.w. Section 135 of the Maharashtra Police Act.

2. The date of the incident is of 7th June, 2015 at about

2.00 a.m. The first information report is lodged by Smt. Priya Anil Pande, wife of the deceased Anil Pande. It is stated in the first information report that, on 6th June, 2015 at about 11.00 a.m., the deceased Anil along with his friend Vija bawa had been for a stroll in the jungle. At that time, their pet dog namely Kivi was with Anil. That when the deceased along with his friend and his pet dog were having stroll near the ground, accused No.1 Saurabh Khopade and another accused persons of Matoshree Mitra Mandal were playing cricket there. At that time pet-dog Kivi caught hold the cricket ball in his mouth and due to same there were altercations between the deceased Anil on one side and the accused Saurabh Khopade and other accused persons on the other side. During the said altercations both the sides abused each other. In the night of 6th June, 2015 at about 10.30 p.m. Anil had been to his house and was abusing Saurabh Khopade and other persons. At that time, the friend of Anil namely Vija Bawa and a lady from neighbour namely Smt. Anusuya Tumbade pacified the applicant. After dinner Anil went to sleep. At about 2 a.m on 7th June, 2015, Saurabh Khopade along with

other accused persons mentioned in the first information report, came at the house of the deceased Anil and hurled stones on his house. They were also abusing Anil in filthy language. Saurabh Khopade and co-accused were armed with swords, knives. It is stated in the said report that there were five to six unknown persons having base-bat, iron rods and knives in their hands. Saurabh Khopade and other accused persons broke open the doors of the house of applicant and barged inside and assaulted Anil with the sharp edged weapons. They also threatened the first informant and thereafter left the scene of offence. The deceased Anil was declared dead prior to admission to the hospital. After lodgment of the first information report, the Police registered aforesaid crime and investigated it. During the course of investigation, police recorded the statements of various witnesses and after receipt of necessary and relevant reports from other agencies including medical report, police have submitted charge-sheet.

3. Heard learned Counsel for the applicant and the

learned APP for the State. The present applicant is the original accused No.9 in the charge-sheet. The learned Counsel for the applicant has invited my attention to an order dated 16th September, 2016 in Bail Application No. 1377 of 2016 passed by this Court in respect of a co-accused Vishwajeet @ Handya Subhash Naik who is accused No.10 in the charge-sheet.

4. According to the learned Counsel for the applicant the role assigned to the applicant is similar to the one assigned to Vishwajeet who has already been released on bail by this Court. Therefore, the applicant prays that he may be released on bail on the ground of parity.

5. I have gone through the order dated 16th September, 2016. The co-accused Vishwajeet is said to have held a baseball bat and the same is recovered at the instance of the said Vishwajeet by effecting the panchamama under Section 27 of the Evidence Act. In so far as the present applicant is concerned he is alleged to be armed with an iron rod and

which has also been recovered during the course of the investigation at the instance of the present applicant. It is stated by the learned Counsel for the applicant that there are no antecedent against the present applicant.

6. I am, therefore, of the view that since this Court has already released the co-accused Vishwajeet on bail, on the ground of parity even the applicant is entitled to be enlarged on bail.

7. Hence the following order:

1. The applicant be released on bail in CR No.326 of 2015 registered with Bhandup Police Station, Mumbai on his furnishing PR Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

2. After his release from the jail, the applicant shall attend the Bhandup Police Station once in month ie., on every 1st Monday of the said month between 11.00 a.m

to 2.00 p.m.

3. The applicant shall also attend all dates before the Trial Court.

4. Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

5. The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6. The bail application is allowed as aforesaid terms.

(M.S. KARNIK, J.)