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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2467 OF 2015

Sanjay Govind Warghade	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Satyavrat Joshi for the applicant.

Ms.Veera Shinde, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 20TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.72/2013 for the offences punishable under sections 302, 120B, 341, 143, 147, 148, 149 and 504 of the Indian Penal Code and section 4(27) of the Arms Act registered with Kothrud Police Station, Pune is praying for releasing him on bail.

2. The learned counsel for the applicant / accused by pointing out the order of this Court dated 29th January, 2014 in Criminal Bail Application No.19 of 2014 as well as the order of the learned Additional Sessions Judge, Pune dated 6th June,

2013 below Exhibit 54 in Sessions Case No.767/2013 releasing applicant / accused No.2 on bail submitted that two accused are already released on bail by this Court as well as by the learned Additional Sessions Judge, Pune. The learned counsel further argued that material against the present applicant is virtually the same as was available against the accused persons released on bail by this / Court as well as by the learned Additional Sessions Judge, Pune. According to the learned counsel for the applicant, evidence against the present applicant / accused is that of recovery of weapon, clothes as well as cell-phone, apart from evidence of his identification. Similar was the evidence against Vaibhav Shelar and Ayub Shaikh.

3. The learned APP has not disputed the fact that evidence against the present applicant as well as against co-accused released on bail is identical in nature. However, according to the learned APP, the offence alleged against the present applicant is serious and, therefore, the application deserves to be rejected.

4. The incident of assault on deceased Pappu Anil

Chavan occurred on 16th April, 2013. His brother Gorakh Chavan lodged report on the very same day which has resulted in registration of the crime in question. In the F.I.R., the informant had categorically named eight accused persons and two unidentified assailants. On the very next date, the informant made a supplementary statement pointing out finger of accusation against his uncle Anil @ Babu Chavan. In the supplementary statement, the informant reported that he had seen accused Shekar @ Dada Balkawde assaulting his brother Pappu. He further stated that apart from Shekar @ Dada, four to five unknown assailants were involved in the assault. Thus, in the supplementary statement, the informant absolved other seven persons named in the F.I.R. It is reported that they are not even charge-sheeted subsequently. Perusal of the order in Bail Application No.19 of 2014 passed by this Court shows that sickle and clothes were recovered at the instance of accused Vaibhav Shelar and he was also identified in the test identification parade by the informant. With this material against Vaibhav Shelar, this Court was pleased to release him on bail. Relying on this order, the learned Additional Sessions Judge had released co-accused Ayub Shaikh. Evidence against him is that of identification in the

test identification parade as well as recovery of weapon. The same is the nature of evidence against the present applicant. As such, on the ground of parity, the applicant is required to be released on bail and as such the order:-

- (i) The applicant / accused in Crime No.72/2013 for the offences punishable under section 302, 120B, 341, 143, 147, 148, 149 and 504 of the Indian Penal Code and section 4(27) of the Arms Act registered with Kothrud Police Station, Pune be released on bail on executing P.R. Bond in the sum of Rs.25,000/- with a surety in the like amount;
- (ii) The applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against applicant so as to dissuade him from disclosing such facts either to the Court or to any police officer and that he shall not tamper with the evidence;
- (iii) The applicant / accused shall inform his latest place of residence and cell number after his release and continue

to inform the change in residence or cell number, if any,
from time to time to the concerned police station;

- (iv) The applicant / accused shall co-operate for expeditious disposal of the trial;
- (v) The applicant / accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission;
- (vi) The application is disposed of accordingly.

(A.M.BADAR, J.)