IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

BAIL APPLICATION NO. 2015 OF 2016

Sagar Laxman Patil. … Applicant.
Versus
The State of Maharashtra. … Respondent

WITH

CRIMINAL APPLICATION NO. 7 OF 2017
IN
BAIL APPLICATION NO. 2015 OF 2016

Parshuram Krishna Patil. … Intervenor.
In the matter between
Sagar Laxman Patil. … Applicant.
Versus
The State of Maharashtra. … Respondent

Mr. Amol P. Mhatre, advocate for applicant.

Mr. Umar Kazi, advocate for intervenor.

Mr. Ajay Patil, APP for State.

CORAM : SMT. SADHANA S. JADHAV, J
DATE : JANUARY 5, 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 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 29/7/2015 in Crime No. 225 of 2015 registered at Shivaji Nagar Police Station, Ambarnath (East). Investigation is completed and charge-sheet is filed against accused for offence punishable under section 302, 342,120-B and under section 4 and 25 of the Indian Arms Act and under Section 37(1) and 135 of the Mumbai Police Act.

3 It is the case of the prosecution that on 21/7/2015 Parshuram Patil- first informant lodged a report at the police station alleging therein that on that day, his son Aklesh had gone out for work. When the first informant was near Kailash colony, he had been informed by the boys from the village that there has been attack on the son of the first

informant. He immediately reached the spot and there he met one Mukesh Mourya, who was selling vadapav. Upon enquiry, he had disclosed that he is an eye witness to the incident and he has seen some unknown persons attacking Aklesh. Mukesh has also given description of the assailants. Aklesh was taken to the hospital where he was declared dead. The applicant was arrested on 29/7/2015. On 30/7/2015 the statement of Mukesh Mourya was recorded and he had disclosed that on the date of the incident he had seen Sagar Patil i.e. the present applicant near the scene of offence. According to him, as soon as Aklesh came on the spot, he was attacked by Sagar Patil with a chopper and when he fell down, Salman Khan had assaulted him with chopper.

4 This Court (Coram : A.S. Gadkari, J) by an order dated 17/10/2016 was pleased to release Salman on bail by observing discrepancy in the statements of Mourya dated 21/7/2015 and

30/7/2015. The learned Counsel for the applicant submits that by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail.

5 It is true that the role attributed to Salman is similar to the role attributed to the present applicant. Salman Khan has been enlarged on bail by this Court. Hence, the applicant by virtue of doctrine of parity also deserves to be enlarged on bail.

6 However, it is made clear that the observations made herein above are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of deciding the application for discharge or quashing of FIR or at the time of trial.

7 Hence, the following order is passed :

ORDER

(i) The application is allowed.

(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more solvent local sureties in the like amount.

(iii) The applicant shall report to Shivaji Nagar Police Station, Ambarnath on 1st Sunday of each month between 10 a.m. to 12 noon till framing of charge.

8 The application is disposed of accordingly.

9 Intervention application is allowed and disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)