

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 353 OF 2017**

Ganesh Mahadu Hulawale	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 221 OF 2017**

Atish Prakash Hulawale	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 85 OF 2017**

Machindra Namdeo Waikar & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Charanjeet Chandernal a/w Ms. Namita Shirke a/w Ms. Anita Sarfare for the Applicant in BA/353/17

Mr. Aniket U. Nikam for the Applicant in BA/85/17

Mr. Rahul Kate I/b Mr. Manas Gawankar for the Applicant in BA/221/17

Mr. S. H. Yadav, A.P.P for the Respondent in BA/353/17

Mr. Deepak Thakare, A.P.P for the Respondent in BA/85/17

Mr. Rajan Salvi, A.P.P for the Respondent in BA/221/17

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 31st MARCH, 2017

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 10 of 2016 registered with the Lonavala Rural Police Station, for the alleged offences punishable under Sections 307, 326, 143, 147, 148, 149, 452, 504, 506 of the Indian Penal Code.

3. Learned Counsel for the applicants essentially seek bail on the ground of parity. They submit that co-accused Aniket Ashok Sutar and Banti @ Prasad Bharat Hulawale have been enlarged on bail by this Court vide order dated 20th January, 2017 passed in Criminal Bail Application No. 2570 of 2016. They further submitted that the complainant and witnesses have filed affidavit before the learned Magistrate and have stated that none of the persons named in the FIR were assailants. The complainant has also given his no objection to release all the accused on bail.

4. Learned A.P.P does not dispute the fact that co-accused Aniket and Banti @ Prasad have been enlarged on the bail and that the role of the present applicants is more or less similar to the applicants.

5. Perused the papers. The complainant has not received any grievous injuries and out of the 14 injured persons, Hanumant Ambekar and Pravin Ambekar have sustained grievous injuries. None of the applicants have any criminal antecedents. On the ground of parity, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 40,000/- each, with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 10:00 a.m. to 11:00 a.m, till the conclusion of the trial;
- (iii) The applicants shall not pressurize or threaten the complainant, injured persons, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants shall not leave India without the prior permission of the Court;

(vi) The applicants shall attend the Court on all the dates and shall cooperate with the conduct of the trial;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. All the Applications are allowed in the aforesaid terms and are accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.