

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 397 OF 2017**

Rahul Barikrao Pandhare

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 421 OF 2017

Umesh Shivaji Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Niranjan Mundargi i/b Mr. Devidas J. Jadhav for the Applicant in BA/397/2017

Mr. Satyavrat Joshi i/b Mr. J. D. Mane for the Applicant in BA/421/2017

Ms. Rutuja Ambekar, A.P.P for the Respondent-State in ABA/397/2017

Mr. Prashant Jadhav, A.P.P for the Respondent-State in ABA/421/2017

API Mr. Navnath Raghunath Gaikwad from Sangola Police Station, Solapur (Rural), is present.

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 7th APRIL, 2017

P.C.

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

2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 420 of 2016 registered with the Sangola Police Station, Solapur, for the alleged offences punishable under Sections 395, 384, 386, 363, 504, 506 of the Indian Penal Code.

3. Learned Counsel for the applicants seek bail on the ground of parity. They submit that similarly placed co-accused i.e. Dattatray Ramchandra Bhandare and Somnath Vilas Waghmare have been enlarged on bail by this Court vide orders dated 3rd February, 2017 passed in Bail Application No. 2393 of 2016 and 10th February, 2017 passed in Bail Application No. 6 of 2017 respectively. They submit that both the said applicants i.e. Dattatray and Somnath also had antecedents.

4. Learned A.P.P does not dispute that the role of the present applicants is similar to that of the co-accused Dattatray and Somnath, who have been enlarged on bail. She however submits that as far as the applicant-Umesh is concerned, he has five antecedents and that applicant-Rahul has six antecedents.

5. Perused the papers. It is not in dispute that the role of the applicants is similar to that of co-accused Dattatray and Somnath, who

have been enlarged on bail by this Court. As far as antecedents are concerned, out of the five antecedents *qua* applicant-Umesh, he has been acquitted in four cases and the only case as against him, is one under Sections 324, 427 and 452 of the IPC. As far as applicant-Rahul is concerned, there are six antecedents against him. A perusal of the police report shows that there are two cases alleging offences punishable under Sections 143 and 147; one under Section 354; one under Section 325; one under Section 380, and one under the Arms Act.

6. Although there are antecedents, considering the facts of the case and the fact that similarly placed co-accused have been enlarged on bail by this Court and the fact that the investigation is complete and charge-sheet is filed, 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. 50,000/- each, with one or two solvent sureties in the like amount;

- (ii) The applicants shall not enter the jurisdiction of Sangola Police Station, Solapur, till the conclusion of the trial;
- (iii) The applicants shall report to the Pandharpur Police Station, Solapur, on the first and third Monday of every month from 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (v) The applicants shall inform their latest place of residence and mobile contact numbers within two weeks of their release; 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;
- (vi) The applicants to cooperate with the conduct of the trial;
- (vii) The applicants shall file an undertaking with respect to Clauses (ii) to (vi) in the trial Court within two weeks from their release;

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

7. Considering the antecedents of the applicants, the surety amount is fixed at Rs. 50,000/-. It is made clear that no application for relaxation of the said condition will be entertained in future;

8. The applications are allowed in the aforesaid terms and are accordingly disposed of.

9. 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.

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

REVATI MOHITE DERE, J.