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

CRIMINAL BAIL APPLICATION NO.434 OF 2017

Jeevan Raghunnath Baikar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.K.S.Patil, for the Applicant.

Mr.S.S.Pednekar, A.P.P for the Respondent-State.

ACP – Shinde and API – Nandkumar Kenjale.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-203 of 2015 registered with the Shivaji Nagar Police Station, for the alleged offences punishable under Sections 302, 143, 144, 147, 148 and 149 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submitted that similarly placed co-accused – Roshan Rohidas Halpatrao, has been enlarged on bail by this Court (Coram:Smt.Sadhana S. Jadhav,J.) vide order dated 6th February, 2017 passed in Criminal Bail Application No.681 of 2016. He submitted that infact the applicant stands on a better footing, than co-accused – Roshan Rohidas Halpatrao, who has been enlarged on bail by this Court.

4. Learned APP does not dispute the aforesaid. On being asked, learned APP states on instructions of the Investigating Officer, who is present in Court, states that till date, charge has not been framed in the said case. Statement accepted.

5. Perused the papers. This is the second bail application preferred by the applicant. The first bail application of the applicant was rejected on merits by this Court (Coram:N.W.Sambre,J.) vide order dated 15th December, 2016, passed in Criminal Bail Application No.1489 of 2016. After the said order was passed, this Court (Coram:Smt.Sadhana S. Jadhav,J.) vide order dated 6th February, 2017 passed in Criminal Bail

Application No.681 of 2016 enlarged co-accused - Roshan Rohidas Halpatrao on bail. The said order is on page 284 of the application. This according to the learned counsel is a change of circumstance necessitating filing of this application. The witness – Vikas Gill has not identified the applicant in the identification parade. As far as Subhash Dharmeshwar is concerned, although he has identified, 3 out of the 5 persons in the identification parade, he has not mentioned the names of the said 3 persons identified by him. There is no recovery at the instance of the applicant. Investigation is complete and charge- sheet is filed. There are no antecedents, qua the applicant.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the

conclusion of the trial;

iii) 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 trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within one week of his release

vii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.
8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)