

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.507 OF 2017

Amol Bharat Kadam

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.Sachin B. Thorat, Advocate, for the Applicant

Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 20.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.525 of 2016 registered with the Sangola Police Station, Solapur, for the alleged offences punishable under Sections 307, 498A, 201, 504, 506 r/w.34 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused Pamabai Bharat Kadam has been enlarged on bail by this Court

(CORAM : SMT. SADHANA S. JADHAV, J.) vide Order dated 05.12.2016 passed in B.A.No.2435 of 2016. He relied on certain observations that have been made in the said Order, with regard to the discrepancy as far as the incident is concerned i. e. cause of the incident and preclude to the incident.

4. Learned APP does not dispute the fact that the role of the Applicant is similar to that of co-accused - Pamabai Bharat Kadam, who has been enlarged on bail by this Court.

5. Perused the papers.

6. The Applicant is the husband of the Complainant. According to the Complainant, on 11.08.2016, the Applicant and his mother raised a quarrel with her. It is alleged in the said quarrel that the Applicant had abused her and thereafter, the Applicant's mother has exhorted the Applicant to eliminate the Complainant (Reshma), as a result of which they had forcibly administered some poisonous liquid to her. Nothing has been recovered from the Applicant. The Applicant has been in custody since August, 2016. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid and the fact that similarly placed co-accused Pamabai Bharat Kadam has been enlarged on bail by this Court, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- 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 trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, 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 Applicant to cooperate with the conduct of the trial;

(vi) 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.

8. The Application is allowed in the aforesaid terms and is 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)