

Anand

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

BAIL APPLICATION NO.762 OF 2017

Nana Nivruti Chavan .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
CRIMINAL APPLICATION NO.421 OF 2017
(For Intervention)
IN
BAIL APPLICATION NO.762 OF 2017**

Rajendra Siddheshwar Pandhare .Intervenor

IN THE MATTER BETWEEN

Nana Nivruti Chavan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.H.H.Ponda i/b. Mr.Y.J.Bhange, Advocate, for the Applicant
Mr.Y.M.Nakhwa, APP, for the Respondent – State
Mr.V.M.Thorat i/b. Mr.M.V.Thorat, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 05.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.263 of 2016

registered with the Mohol Police Station, District – Solapur, for the alleged offences punishable under Sections 143, 147, 148, 149, 307, 323, 324 r/w.120B of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that identically placed co-accused – Sangram Bhangе has been enlarged on bail by this Court (CORAM : MRS. MRIDULA BHATKAR, J.) vide Order dated 08.03.2017 passed in B.A.No.1776 of 2016. He submits that the Applicant is also alleged to have been armed with a stick.

4. Neither, the learned APP nor the learned counsel for the Intervenor has been able to point out any material to distinguish the role of the Applicant from that of Sangram Bhangе.

5. Perused the Order dated 08.03.2017. By which Sangram Bhangе was enlarged on bail. The present Applicant is also alleged to have been armed with a stick, like the Sangram Bhangе i. e. Except, one Gutkha case, there are no cases against the Applicant.

6. Considering the aforesaid, the Applicant is also entitled to be enlarged on bail on the ground of parity. Accordingly, 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 more 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 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) The Applicant shall not leave the country without

prior permission of the trial Court;

(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.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. In view of disposal of the Bail Application, the Intervention Application does not survive and the same stands disposed of accordingly.

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.)