

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.799 OF 2017

Shreekant @ Shree Madhukar Khanvilkar ... **Applicant**
V/s.

The State of Maharashtra ... **Respondent**

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Mr.Raunak Naik with Pritam R.Pendor i/b. Pankaj Kavale,
Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 1st NOVEMBER 2017.

P.C. :

1 By this application, the applicant/accused in Crime No.203 of 2015 registered with Shivajinagar Police Station, Ambernath, District Thane for offences punishable under Sections 302, 143, 144, 147, 148, 149 of the Indian Penal Code, is seeking his release after filing of the charge-sheet.

2 According to the prosecution case, Nikhil Sidhu (since deceased) was working in Jay Ambe Hotel situated at Ambernath (East). On 22/06/2015, his brother lodged the FIR alleging that as per information given by other employees of that Hotel, his brother Nikhil has been brutally assaulted by five to six boys. Nikhil Sidhu succumbed to injuries caused in that assault.

3 The charge-sheet shows that there was quarrel between deceased Nikhil and Meghraj. Subsequently, four persons were seen to have assaulted Nikhil.

4 The evidence against the present applicant is that of test identification parade held on 29/07/2015. In that test identification parade, witness named Subhash Dharmeshwar is stated to have identified three accused from in all five accused produced for the purpose of identification. Report of test identification parade though discloses the fact that three accused out of five accused are identified by Subhash Dharmeshwar, names of those three accused, who have been identified by this witness is not disclosed in the said report of the test identification parade. Therefore, it is not clear whether witness Subhash has identified applicant Shreekant @ Shree Madhukar Khanvilkar or not in the said test identification parade.

5 Co-accused named Roshan s/o Rahidas and Jivan s/o. Raghunath with the same evidence against them have been released by this Court vice Order dated 6th February 2017 and 26 September 2017 in Criminal Bail Application No.681 of 2016 and 434 of 2017. Hence, on the principle of parity, the present applicant against whom similar evidence is available is entitled for the relief claimed. As such, the Order :

(i) Application is allowed.

- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (iii) Applicant shall not reside at Ambernath till the framing of charge.
- (iv) Applicant shall report to Kalyan Police Station on first Sunday of each month till the framing of charge.
- (v) Application stands disposed of.

(A.M.BADAR J.)