

Anand

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

BAIL APPLICATION NO.813 OF 2017

Dinesh Jagdish Dahibhate .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.K.S.Patil, Advocate, for the Applicant
Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement bail in connection with C.R.No.10 of 2015 registered with the Warje Malwadi Police Station, Pune, for the alleged offences punishable under Sections 143, 147, 148, 149, 302, 120B, 201 of the Indian Penal Code, under Sections 3, 4, 25 & 27 of the Indian Arms Act and under Section 37(1) r/w 135 of the Bombay Police Act.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused – Vishal alias

Shensha Jaysingh Lokhande has been enlarged on bail by this Court (CORAM : SMT. SADHANA S. JADHAV, J.) vide Order dated 02.12.2016 passed in B.A.No.2248 of 2016. He submits that admittedly, the Applicant has not assaulted the deceased and nor was he present at the spot.

4. Learned APP opposes the Application. He submits that the Applicant was keeping watch on the activities of the deceased. He does not dispute the fact, that the Applicant is not one of the assailants. He also does not dispute the fact , that the role of the Applicant is at par with co-accused - Vishal alias Shensha Jaysingh Lokhande, who has been enlarged on bail by this Court (CORAM : SMT. SADHANA S. JADHAV, J.).

5. Perused the papers. The incident has taken place on 06.01.2015. There are eye witnesses to the said incident, who have seen Shubham, Amey, Nakul, Chetan, Murli, Ashok as well as Yogesh Shingade actually assaulting Sachin Shinde (deceased). Nakul is stated to have armed with a revolver, whereas other co-accused have been armed with sickles, sattur and swords. Admittedly, the Applicant is not one of the assailants. The role of the Applicant is similar to that of

co-accused – Vishal Lokhande, who has been granted bail by this Court (CORAM : SMT. SADHANA S. JADHAV, J.) vide Order dated 02.12.2016 passed in B.A.No.2248 of 2016.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.50,000/-** with one or two local sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st and 3rd Sunday of every month** between **10.00 a.m. and 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 attend the Court on all the dates given by the trial Court;

(v) 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;

(vi) The Applicant shall file an undertaking with regard to Clauses (ii) to (v) in the trial Court within one week of his release;

(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. 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.)