

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1228 OF 2017**

Rizwan @ Guddu Nazir Shaikh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Anjali Patil for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 15th 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. 382 of 2015 registered with the Nirmal Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 302, 307, 141, 143, 146, 147, 148, 149, 323, 504, 506 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. Learned Counsel for the applicant relied on two orders passed by

this Court dated 1st August, 2017 and 21st August, 2017. She has submitted that the applicant is only alleged to have been present at the spot and that no overt act has been attributed to the applicant. She submits that the applicant has no antecedents.

4. Learned A.P.P, on instructions, does not dispute the aforesaid.

5. Perused the papers. The incident took place on 21st December, 2015. According to the prosecution, all the accused assaulted deceased-Vikas Kamble and his friend on account of an earlier incident i.e. an assault on Nasir Shaikh. It is alleged that the accused assaulted the injured person by iron rods and fist blows, pursuant to which, Vikas Kamble (deceased) succumbed to his injuries. The applicant has been named in the FIR, however, no overt act has been attributed to him. It is alleged that after the said incident, the applicant fled from the spot. Investigation is complete and charge-sheet is filed. The applicant is in custody since 6th February, 2017. The applicant has no antecedents. Similarly placed co-accused have been enlarged on bail. Accordingly, 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 executing PR Bond in the sum of Rs. 25,000/- 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 11:00 a.m. to 1:00 p.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 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.
6. The application is accordingly disposed of.

7. 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.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.