

Anand

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

**BAIL APPLICATION NO.1420 OF 2017**

Ramesh alias Amya alias Appa .Applicant  
Uttam Pawar

Vs.

The State of Maharashtra .Respondent

Mr.Y. Deshmukh i/b. Ms R.K.Divekar, Advocate,  
for the Applicant  
Mrs.R.Ambekar, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 12.07.2017**

**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.110 of 2015 registered with the Wanawadi Police Station, District – Pune, for the alleged offences punishable under Sections 302, 143, 147, 149 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 – Kalim Kasim Nadaf has been enlarged on bail by this Court (CORAM : SMT. ANUJA PRABHUDESSAI, J.) vide Order dated 23.06.2017, passed in B.A.No.481 of 2017. He submits that the Applicant has no antecedents.

4. Learned APP does not dispute the fact that the role of the Applicant is similar to that of the co-accused – Kalim Kasim Nadaf. She also does not dispute the fact that the Applicant has no antecedents.

5. Perused the papers. The incident in question has taken place on 26.04.2015 at about 10.30 p.m.. It is alleged that the Applicant alongwith co-accused came to the spot and assaulted Iklas Akbar Sayyed with fist and kick blows. In the said assault, co-accused – Yogesh Adsul picked up a stone lying on the spot and threw it on Akbar's head, as a result of which

Akbar sustained grievous injury and succumbed to his death. Thereafter, all the accused are stated to have run away from the spot.

6. The Applicant alongwith other co-accused is alleged to have assaulted the deceased with fist and kick blows. The cause of death is stated to be "death due to head injury". It is co-accused – Yogesh Adsul, who is alleged to have picked up a stone lying on the spot and thrown it on the deceased. Admittedly, the Applicant was not armed with any weapon. It is not in dispute that the role of the Applicant is identical to that of co-accused – Kalim Kasim Nadaf. The Applicant has no antecedents. Investigation is complete and charge-sheet is filed.

7. In the facts of the case, 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.10,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1<sup>st</sup> Monday 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 trial Court on every date of hearing;

(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 two weeks 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.

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.)**