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

CRIMINAL BAIL APPLICATION NO.1430 OF 2017

Shabrez Zulfikar Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Anjali Patil a/w Ms.Aparna Vhatkar i/b Mr.S.D.Sherkhane, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State.

P.I – Bhore, Nirmal Nagar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 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, for the alleged offences punishable under Sections 302, 307, 141, 143, 146, 147, 148, 149, 323, 341, 504 and 506 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. She submitted that identically placed co-accused – Imran Kaisar Khan, has been enlarged on bail by this Court vide order dated 21st August, 2017, passed in Bail Application No.1709 of 2017.

4. Learned APP does not dispute the same.

5. Perused the papers. The incident took place on 21st December, 2015. According to the prosecution, all the accused assaulted the deceased – Vikas Kamble and his friend, on account of an earlier incident i.e. assault on Nasir Shaikh. It is also alleged that the accused assaulted the injured persons by iron rod and fist blows, pursuant to which, Vikas Kamble (deceased) succumbed to the injuries. It also appears that the some of the witnesses have not disclosed the presence of the applicant at the spot, whereas, some have stated that the applicant was present at the spot. The witnesses who have stated that the applicant was present at the spot have not attributed any overt act to the applicant. Investigation is complete and charge-sheet is filed. The applicant has no antecedents. The applicant is also entitled to bail on the ground of parity, inasmuch as, co-accused –

Imran Kaisar Khan, has been enlarged on bail by this Court vide order dated 21st August, 2017.

6. Considering the aforesaid, 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 furnishing P.R. 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 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 trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not tamper with the evidence or attempt to

influence or contact the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

(REVATI MOHITE DERE, J.)