

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1521 OF 2017

Mr. Ranjeetsingh D. Bhatti and anr.	..Applicants.
vs.	
The State of Maharashtra	..Respondents.

Mr. Dinesh Adsule for the Applicant.
Mr.A.A.Takalkar, APP. for the State.

CORAM: A.S.GADKARI, J.
DATE : 8th September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.108 of 2016 dated 9.10.2016 registered with Kamshet Police, Station, District Pune under Sections-302, 143, 147, 149, 342, 324, 504 and 506 of the Indian Penal Code.

2. Heard the learned counsel for the applicants and the learned APP. and perused charge sheet annexed to the application.

3. Learned counsel for the applicants stated that the allegation as against the applicants is that they assaulted deceased Sangram Hitape with first and kick blows. He submitted that the injury on the head is alleged to have been caused by Chandrashekhar Gautam Sahi with an iron rod and it is this injury which is fatal injury.

4. Learned counsel for the applicant further submitted that co-accused namely Saajansingh Satnamsingh who has been attributed with same and similar role or rather a higher role in assaulting deceased Sangram Hitape has been

released on bail by this Court by an order dated 31.3.2017 and therefore, the applicants deserve to be released on bail on the ground of parity. Learned APP. has vehemently opposed the application.

5. Perusal of record indicates that eye witnesses namely Madan Thakur, Biju Lingachan and Gurmitsingh Gil in their statements have stated that the applicants also assaulted other two persons namely Nikhil and Prashant who were accompanying deceased, Sangram Hitape to the said restaurant. It is further stated that the applicant Ranjeetsingh was holding stick and has assaulted the said two other witnesses with it. As stated earlier co-accused Saajansingh who has been attributed with a role to assault on deceased Sajjansingh with fist and kick blows has been released on bail by this Court.

7. After perusal of the entire record it clearly appears to me that the role played by the applicants is same and similar to that, as has been played by the Saajansingh Satnamsingh and are entitled to be released on bail on the ground of parity.

8. Hence, the following order.

a) The applicants be released on bail, on their furnishing PR bond of Rs.25,000/- each with one or two local sureties in the like amount.

b) The applicants shall attend the concerned police station on the first Monday of every month between 10.00 a.m. to 11.00 a.m. till the conclusion of the trial.

c) The applicant shall not leave the jurisdiction of Pune city without permission of the trial Court.

d) The applicant shall not tamper or attempt to influence or contract the complainant, witnesses or any person

concerned with the case.

e) The applicants shall inform their latest place of residence and mobile contract numbers 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.

f) The applicants to cooperate with the conduct of the trial.

g) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of bail.

h) The application is allowed in the aforesaid terms and is accordingly disposed off.

i) 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.

(A.S.GADKARI, J.)