

Anand

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

**BAIL APPLICATION NO.1449 OF 2016**

Salim Mehboob Pailwan Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Satyavrat Joshi, Advocate, for the Applicant  
Mr.Deepak Thakare, APP, for the Respondent – State

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

**DATE : 17.04.2017**

**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.130 of 2015 registered with the Lonavala City Police Station, Pune, for the alleged offences punishable under Sections 302, 364, 342, 201, 120B of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that identically placed co-accused Sharda Kisan Pardeshi, Subhash Govind Dhadge & Sunil Babu Patekar have been enlarged on bail by this Court

(CORAM : MRS. MRIDULA BHATKAR, J.) vide Order dated 21.03.2017. He has tendered a copy of the said Order enlarging the aforesaid co-accused on bail.

4. Learned APP on instructions of the investigating officer, who is present in Court does not dispute the fact that the Applicant is similarly placed as the co-accused, who have been enlarged on bail. He submits that the present Applicant is also alleged to have stayed alongwith other accused after the incident. He submits that the Applicant although prosecuted for an offence under the Arms Act, has been acquitted from the said case.

5. Perused the papers.

6. It appears that the Applicant was not present when the alleged incident of murder took place. The only allegation against the Applicant is that all the accused stayed together, after the commission of the alleged offence of murder. It is not in dispute that the role of the Applicant is similar to that of the co-accused, who have been enlarged on bail. As far as antecedents are concerned, it appears that there was one case

registered against the Applicant under the Arms Act, however the Applicant has been acquitted of the said offence.

7. Considering the aforesaid, the Applicant is enlarged on bail on the following terms and conditions:-

O R D E R

(i) The Applicant shall be released on bail upon furnishing P.R. Bond in a sum of Rs.50,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant is directed to report to the Shivaji Nagar Police Station, Pune on the **1<sup>st</sup> Monday of every month** from **10.00 a.m. to 12.00 noon**, till the conclusion of the trial;

(iii) The Applicant shall not enter Lonavala till the end of the trial except for attending the Court and the police station;

(iv) The Shivaji Nagar Police Station is directed to report accordingly to Lonavala City Police Station, Pune Rural, District-Pune;

(v) The Applicant shall not tamper with the evidence or pressurise the complainant or the witnesses;

(vi) 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;

(vii) The Applicant shall not indulge into any criminal activity and shall attend all the Court dates;

(viii) The Applicant shall not abscond or leave India without prior permission of the Court;

(ix) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of 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.)