

Anand

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

BAIL APPLICATION NO.1644 OF 2016

Brijesh alias Bunti Kishorilal Daware .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 : 25.04.2017

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 submitted that similarly placed co-accused Sharda Kisan Pardeshi and Salim Mehboob Pailwan Shaikh have been enlarged on bail by this Court. He submits that the role

attributed to the Applicant is that of harbouring the principle offender and is similar to the role attributed to co-accused - Salim Mehboob Pailwan Shaikh.

4. Learned APP does not dispute the fact.

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 co-accused - Salim who has been enlarged on bail.

7. Considering the aforesaid, the Application is allowed and 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 concerned police station on the 1st **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 Applicant shall not tamper with the evidence or pressurise the complainant or the witnesses;
- (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 not indulge into any criminal activity and shall attend all the Court dates;
- (vii) The Applicant shall not abscond or leave India without prior permission of the Court;
- (viii) 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.)