

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2084 OF 2017

Nabi Mashak Sayyad

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi for Applicant.
Ms. A.A. Takalkar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.677 of 2016 registered with Yerwada Police Station, Pune under Sections 302, 143, 144, 147, 148, 149, 323, 504, 506(1) of the Indian Penal Code and under Sections 37(1) of the Bombay Police Act.

2] It is the prosecution case that, due to earlier enmity the accused persons assaulted deceased Kalim Ansari with fist and kick blows due to which he died. It is the further prosecution case that, accused No.1 -Saddam Sayyed assaulted deceased Kalim Ansari on his head, chest and

back with bamboo stick and other accused persons assaulted him with fist and kick blows. The first information is lodged by Faeem Naseem Ansari, brother of Kalim Ansari (deceased) on 28.8.2016. During the course of investigation, the applicant came to be arrested on 28.8.2016. After completion of investigation, police have submitted chargesheet.

3] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

4] The present applicant is accused No.2. The record indicates that the accused No.6-Mudassar Shabbir Pirjade has been attributed with same and similar role i.e. assault with fist and kick blows on Kalim Ansari (deceased) has been released on bail by an Order dated 26th July 2017. On perusal of chargesheet, it appears that the role attributed to the present applicant is same and/or similar to that of accused No.6-Mudassar Pirjade.. In view thereof, the present applicant is entitled to be released on bail on the ground of parity.

5] In view thereof, this Court is of the view that, the applicant can be released on bail.

Hence the following Order:

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on the 1st Monday between 10.00 a.m. To 11.00 a.m for a period of one year from the date of his release.

(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 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.

(v) The applicant to cooperate with the conduct of the trial.

6] Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)