

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2118 OF 2017

Firoz Amarulla Khan ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Nitin Sejpal for the applicant
Mr. S.V.Gavand APP for the State.

CORAM: A.M. BADAR, J.
DATED: 24th NOVEMBER 2017

PC:-

1. The applicant/accused in Crime No. I-156 of 2016 registered with police Station Ganeshpuri for the offences punishable under Sections 302,120B r/w 143, 147, 148 and 149 of the Indian Penal code and under Section 3,25 © of Arms Act, by this application is seeking his release on bail.

2. Heard the learned advocate appearing for the applicant/accused. He argued that this Court vide order dated 29th August 2017 passed in Criminal Bail application No.1111 of 2017 has pleased to release co-accused Prashant Maruti Medhekar on bail and case of the present applicant is at par with this co-accused. As such he is entitled for bail.

3. The learned APP opposed the application by contending that the car involved in the incident is owned by father of the present applicant.

4. I have carefully considered the submission and also perused the charge-sheet. I have also perused the order dated 29th August 2017 passed by this Court in Criminal Bail Application No.1111 of 2017 (Coram: Revati Mohite Dere,J) by this order, co-accused Prashant Medhekar is released on bail with the following observations found in para No.5 of the said order.

"5. Perused the papers. The incident took place on 16th November, 2016 at about 8.00 a.m. A perusal of the 164 statement of Mahendra Jadhav, an eye-witness to the incident shows, that co-accused -Akshay was present at the spot alongwith 4 unknown persons and that the said persons were pushing Umesh and that

Akshay was abusing Umesh. He has alleged that all the 4 unknown persons were standing around Umesh, when Akshay fired at Umesh. He has alleged that as Akshay threatened him, he left the spot. There are 2 other eye-witnesses to the said incident, however, the said eye witnesses were not called for the identification parade. No doubt, the applicant has been identified in the identification parade, which was held on 1st April 2017, however, no overt act has been attributed to the applicant. Admittedly, the applicant is not the person who fired at Umesh. The applicant has no antecedents. Investigation is complete and charge-sheet is filed".

5. Perusal of the statement of Mahendra Jadhav alleged eye witness shows that case against co-accused Prashant Medhekar as well as the present applicant Sangram Jadhav is at par. Both were accompanying main accused Akshay at the time of the incident in question. As Prashant Medhekar is already directed to be released on bail, the present applicant

needs to be given same treatment. Therefore, the following order:

ORDER

- i) The applicant be enlarged on bail on furnishing P.R.Bond in sum of Rs.30,000/- with one or two local solvent sureties in the like amount;
- ii) The applicant shall attend the concerned police station, on the first Saturday of every month, between 10.00 a.m. to 11.00 a.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 contact the complainant, witnesses or any persons concerned with the case;

v) The applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v) ,shall be filed by the Applicant, in the Registry of the trial Court, within one week of his release;

vii) It is made clear, that if there is breach of any of the condition as stated above, the prosecution shall be at liberty to seek cancellation of applicant's bail.

viii) The application is allowed and disposed of in above terms.

(A.M. BADAR, J)