

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2410 OF 2016

Gaurav Harishankar Ravat	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr.Pravinkumar G.Pillay, Advocate for the applicant.
Ms. J.S.Lohokare, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 20th February, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 19.3.2016 in Crime No.71 of 2016 registered at Deonar Police Station. The investigation is completed and charge sheet is filed against the applicant for the offences punishable under Sections 307, 324, 341, 504, 323 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the present applicant happens to be a close associate/friend of original accused No.1 – Shahnawaz @ Shanu Muzaffarali Shaikh was admitted in Sion Hospital as he had sustained injuries. Statement of the injured was recorded as it appeared to be a medico-legal case. He has disclosed to the police that on

18.3.2016 he along with his friend Irfan had met Kallu @ Gaurav who had threatened them. The injured along with Irfan had proceeded towards Govandi Police Station. At about 12 noon, when they were in front of Vikas Bar, they met Kallu. Kallu had raised the quarrel. It is alleged by the prosecution that the present applicant had assaulted the injured with fist and kick blows and had also abused the complainant and others.

3. The learned counsel for the applicant submits that by an order dated 13.1.2017, the co-accused – Sameer Badda was enlarged on bail. It was observed by this Court that Sameer had assaulted the injured with a bamboo after he was assaulted by accused No.1 with a sword. The learned counsel for the applicant submits that by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail. The only allegation against the applicant is that he had assaulted the injured with fist and kick blows and that he happens to be a good friend of original accused No.1.

4. Taking into consideration the material collected by the investigating agency and the submissions advanced across the bar and the fact that the co-accused who was similarly placed has been enlarged by this Court, this Court is of the opinion that by virtue of doctrine of parity, the applicant also deserves to be enlarged on bail.

5. The observations are restricted to an application under Section

439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of time.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local solvent sureties.
- (iii) The applicant shall furnish his permanent address, cellphone number and other details to the police upon being enlarged on bail.
- (iv) The applicant shall report to the concerned police station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)