

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No.2576 OF 2016

Akash Bharat Udmale

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.P.D.Purway, Advocate, for the Applicant

Mr.Rajan Salvi, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2017

P.C.

. Heard learned counsel for the Applicant and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.73 of 2016 registered with the MIDC Bhosari Police Station, Pune, for the alleged offence punishable under Section 363 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused Kiran Chandrakant Gaikwad and Ashish Anil Shah have been enlarged on bail by this Court

(CORAM : SMT. SADHANA S. JADHAV, J.) vide Order dated 14.12.2016. He submits that as far as co-accused Ashish Shah is concerned, there is recovery of a rope with which the deceased was allegedly strangled and as far as co-accused Kiran Gaikwad is concerned, there is recovery of blood stained clothes. He submits that even as against the present Applicant, there is recovery of blood stained clothes from him. Perused the papers. A perusal of the charge-sheet prima facie shows that the Applicant is not responsible for the homicidal death of deceased Prathmesh but has assisted the principal accused in causing disappearance of evidence.

4. Considering the aforesaid and on the ground of parity, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:-

O R D E R

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;

(ii) The applicant shall not enter the jurisdiction of MIDC Bhosari Police Station and village Moshi till the conclusion of the trial;

- (iii) The applicant shall report to the concerned police station on the first Monday of every month till framing of charge;
- (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;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.)