

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 792 OF 2017

(Pundlik Balkrushna Fiske..vs..State of Maharashtra, through
PSO.PS.Sarmaspura,Tahsil Achalpur,District-Amravati).

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.N.Ali, Advocate for applicant.

Shri T.A.Mirza , A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 21, 2017

This is second attempt on the part of the applicant to secure bail from this Court in connection with Crime No.39/2017,registered with P.S.Sarmaspura,Tahsil Achalpur, District-Amravati for the offence punishable under Section 302 r/w Section 34 of the Indian Penal Code.

The first application of the applicant was rejected by this Court on 19/6/2017.

The learned A.P.P. would submit that there is no change in circumstances and therefore the application is not worth consideration.

The learned counsel for the applicant has invited my attention to the order passed by this Court on 11/8/2017 in Criminal Application (BA) no.714/2017 by which co-accused Aditya Rajesh Shendre is released on bail. The co-accused is released on bail after rejection of the earlier bail application filed on behalf of the present applicant. Previously, the bail application of the applicant was rejected by this Court on account of his criminal antecedents. The offences which are registered against the present applicant are under Bombay

Police Act and Section 324 of the Indian Penal Code.

The learned A.P.P. fairly states that the role attributed to the present applicant is only that of using fists blow. The witnesses to the incident are Sachin Kashinath Zudpeand Gajanan Ramdas Khadge. Both these eye witnesses specifically attributed role of giving knife blow to principal accused Amol Fiske. In view of the fact that co-accused Aditya Rajesh Shendre's case also same to the case of the present applicant and also looking to the fact that role attributed against the present applicant is that he gave kick blows.

The subsequent release of co-accused on bail can definitely be a change in circumstance ,especially the case of the released accused and the applicant is on similar footings. In that view of the matter, the application needs to be allowed. Hence, the order.

ORDER

- I) The application is allowed.
- II) Applicant Pundlik Amrutrao Fiske be released on bail in Crime No.39/2017, registered with P.S. Sarmaspura,Tahsil Achalpur,District-Amravati for the offence punishable under Section 302 r/w Section 34 of the Indian Penal Code on he executing P.B. of Rs. 25000/- with two solvent sureties in the like amount .

- III) The applicant shall attend P.S.Sarmaspura,Tahsil Achalpur,District-Amravati after his release on bail once in week i.e. Saturday in between 2.00 p.m. to 6.00 p.m. till culmination of the trial.
- IV) The applicant shall not indulge in any criminal activities and not indulge in pressuring the prosecution witnesses.
- V) With this the application is disposed of.

JUDGE

kitey