

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.689 OF 2018

Shri Deepak Rajaram Shinde

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Nitesh P. Hinduja for Applicant .

Mr. S. R. Agarkar, APP for Respondent.

Mr. A.L. Patil, HC Kurduwadi Police Station, Solapur (Gramin)

CORAM : P. N. DESHMUKH, J.

DATE : 23rd APRIL, 2018

PC.:

. This application is filed by applicant involved in C.R. No.388/2016 registered with Kurduwadi Police Station, District-Solapur for the offence punishable under section 307, 143, 147, 148, 149, 323, 329, 427, 504 and 506 of the IPC.

2. Apart from merits, applicant is seeking bail on parity alleging that this Court by its order passed in BA No.486/2017 filed by co-accused Balaji Shiraskar and another by order passed in BA No.811/2017 filed by Amol Shingade have granted bail to both co-accused. It is submitted that role attributed to applicant is much lessor than of co-accused Balaji Shiraskar, who is attributed with assault on head of complainant by iron rod while according to complaint only maiden name of applicant is stated by complainant to be uttered by co-accused Balaji Shiraskar thereby instigating him and co-accused Amol Shingade to commit assault on complainant. As aforesaid co-accused Balaji Shiraskar and Amol Shingade are grant regular bail by this Court and co-accused Suraj Jagtap, whose role is similar to role attributed to Balaji Shiraskar is granted bail by learned

Additional Sessions Judge-4, Solapur in view of the orders passed by this Court finding that the role attributed to Suraj Jagtap along with co-accused is similar.

3. In the background of above facts it is found that on 6/12/2016 at around 1.00 a.m. complainant Aniket Kadam along with his relative Niwas Patil and friends were proceeding in his car when one dumper overtook his car upon which he stopped and inquired with the driver of the dumper as to why they have overtook his car upon which its driver informed that the vehicle (dumper) is owned by Balaji Shiraskar. At that time driver on making phone call called its owner who asked him to wait at the spot and that he shall reach. Accordingly, Balaji Shiraskar arrived along with co-accused Suraj Jagtap and 2-3 unknown persons and assaulted complainant during the course of which Balaji committed assault by iron rod on the head of complainant and his left hand and lower lips saying that complainant is a road contractor and today he should be killed upon which Suraj Jagtap assaulted complainant by knife like weapon in his hand due to which he sustained injury on his cheeks.

4. As against above role attributed to Balaji Shiraskar and Suraj Jagtap as aforesaid with the involvement of applicant is considered, it is material to note that no full name of applicant is mentioned in the report but according to complaint during the course of assault co-accused Balaji took names of Amol, Deepak and said "what are they watching" upon which they also assaulted complainant by wooden logs.

5. Learned APP makes a statement at bar that no identification parade is held during the course of investigation.

6. Considering the role attributed to applicant as aforesaid and

since his role appears to be lessor than the role attributed to other co-accused, who are released on bail and as applicant's only maiden name is shown mentioned in the report, application is liable to be allowed on parity as well as on merits. Hence order:

ORDER

- i) Applicant shall be released on bail on his executing PR Bond in the sum of Rs.50,000/- with one surety in the like amount;
- ii) While on bail, Applicant shall not enter territorial jurisdiction of Solapur City Police Station nor shall enter village Ghotane, Taluka Madha, District Solapur until further orders;
- iii) Applicant shall mark his presence with Kurduwadi Police Station, District Solapur on the first day of each month for a period of three months and thereafter on first day of every such month pending trial;
- iv) Application is allowed in above terms.

(PN. DESHMUKH, J)