

Anand

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

BAIL APPLICATION NO. 68 OF 2018

Sharafat Yarmohammed Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. V. Shukla, Advocate, for the Applicant

Mrs. J. S. Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.04.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-612 of 2016 registered with the Virar Police Station, District – Palghar, for the alleged offences punishable under Sections 302, 307, 326, 324, 323, 147, 148, 149 of the Indian Penal Code, Sections 37(1)(ii) r/w Section 135 of the Maharashtra Police Act and Section 39 r/w 192(1) of the Motor Vehicle Act.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that identically placed co-accused – Samay

Vikram Chauhan was enlarged on bail by this Court (Coram : A. S. Gadkari, J.) vide Order dated 20.12.2017 passed in B. A. No. 1897 of 2017.

4. Learned APP does not dispute the aforesaid.

5. Perused the papers. A perusal of the charge-sheet reveals that the Applicant was a member of the unlawful assembly and was present at the time of the assault on the deceased and other injured witnesses. It appears that Aslam Shaikh, who allegedly assaulted the deceased with an iron rod has already been enlarged on bail by the Sessions Court. According to the prosecution, the Applicant and co-accused - Samay Chauhan assaulted the deceased with a hockey stick and Aslam assaulted him with an iron rod. The said accused are also alleged to have assaulted other injured persons with wooden sticks. Similarly placed co-accused - Samay Chauhan has been enlarged on bail by this Court (Coram : A. S. Gadkari, J.). The allegation as against Samay was also that he assaulted the deceased and others with hockey stick. The Applicant is also alleged to have assaulted the deceased and others with hockey stick. Both, Samay and Aslam have been enlarged on bail. Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 25,000/-** with one or two local solvent sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Sunday of every month** between **10:00 a. m. and 11:00 a. m.** till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant to cooperate with the conduct of the trial.

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

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)