

Sarnobat

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

CRIMINAL APPLICATION NO. 491 OF 2018

Kishor Manmath Nagtilak & Ors.

.. Applicants.

Vs.

The State of Maharashtra.

.. Respondent.

Mr. Viresh V. Purwant, for the Applicants.

Mr. S. H. Yadav, APP for the Respondent.

Mr. K. K. Kamble, PSI, Sadar Bazar Police Station, Solapur City.

CORAM : P. N. DESHMUKH, J.

DATE : 5th APRIL, 2018.

P. C. :

1. The applicants involved in Crime No. 02 of 2018 registered with Sadar Bazar Police Station, Solapur for offence punishable under Sections 143, 147, 148, 149, 427, 307 of Indian Penal Code and Section 37(1)(3), 135 of Bombay Police Act, have sought bail.

2. Heard learned counsel for applicants and learned Additional Public Prosecutor. Charge-sheet is filed before the competent Court. Learned counsel for applicants press the application on the ground of parity with main accused Shrishail Chandram Gaikwad and co-accused Tirupati Sarjerao Chavan and Kamalakar Sudhakar Kamble who were also class IV employees of Municipal Corporation of Solapur as that of applicants and were members of the

agitation which took place on 2nd January, 2018 in front of office of Commissioner, Solapur Municipal Corporation, in the leadership of co-accused Shrishail Gaikwad when it is stated that they had used force to enter the office of Commissioner. The agitations were arranged since applicants and co-accused along with other members of the mob which were about 34 in numbers were not paid their salary for a period of Eight months and in the course of same, one of the members of the mob has also attempted to consume poison to commit suicide. In the background of facts above, when there was no response from the Commissioner, they attempted to set the office on fire as one of the team member was having kerosene container.

3. In the background of facts as aforesaid, perusal of FIR reveals that names of four accused persons are mentioned therein in the FIR who even otherwise without having any intention to cause any offence were members of the agitation, arranged for this unpaid salary of Eight months, this Court having considering bail application of co-accused being Bail Application No. 21/2081 and Bail Application No. 299/2018 both decided by common order dated 14th February, 2018, has observed that involvement of applicants were only in their capacity as class IV employees for Municipal Corporation of Solapur and were members of the agitation since were not paid salary for eight months and for this reason applicants as well as applicants/accused in those

cases are found to be taken into custody. Considering the role attributed to co-accused as well as that of applicants' involvement in this crime, which role even otherwise has not been disputed by learned APP, case is made out for grant of bail on parity. Hence, the following order;

ORDER

- (i) Application is allowed.
- (ii) Applicants shall be released on bail in Crime No. 02/2018 registered with Sadar Bazar Police Station, Solapur on their executing P.R. bond in the sum of Rs.25,000/- each with one or two sureties each in the like amount.
- (iii) While on bail applicants shall mark their presence with Sadar Bazar Police Station, Solapur on first day of each month initially for a period of six months and thereafter, quarterly on first day of each month pending trial.

[P. N. DESHMUKH , J.]