

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.441 OF 2018

Prashant Padmakar Pujari

..Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Jaydeep D. Mane for the Applicant .

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

Mr.Pradeep V. Kadam, PN Fauzdar Chavdi Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 15th MARCH, 2018

P.C.:

. Heard Mr. Mane, learned counsel for the applicant and Mr.Yadav, learned APP for the Respondent-State. It is submitted on behalf of the applicant that even after going through the contents of the report lodged by Avinash Survase, though role of applicant is mentioned in the report along with other co-accused no over act is attributed to him. It is therefore submitted that as co-accused Altaf Isaq Shaikh, who is similarly placed is considered entitled for grant of anticipatory bail, present application be allowed on the ground of parity alongwith said accused.

2. Mr.Yadav, Learned APP opposed the application contending that the presence of present applicant is established on the spot along with other co-accused, charge-sheet is yet to be filed and therefore application be rejected.

3. Perusal of report reveals that on 21/10/2017 at 6.45 p.m., when complainant was present along with his friends near the office of Ganesh Pujari, applicant along with 8-10 other co-accused arrived at the

spot. Co-accused are stated to be armed with iron rod and some amongst them are alleged to have extended threats to complainant and after abusing assaulted the complainant by kick and fist blows and thereafter co-accused Akshay Salunkhe assaulted the complainant by iron rod on his head. Considering contents of report as aforesaid there appears to be no over act attributed to the applicant except being present at the spot along with co-accused.

4. This Court had considered ABA No.2161/2017 filed by Altaf Isaq Shaikh and finding that there is no material evidence against him except his name being mentioned in the FIR, held him entitled for grant of anticipatory bail.

5. The case of the applicant and that of co-accused are similar, application is even otherwise liable to be allowed on parity. Hence, order

ORDER

(i) In the event of arrest of Applicant in C. R. No.620/2017 registered with Fauzdar Chawdi Police Station, he be released on bail on his executing P. R. bond in the sum of Rs. 25,000/- with one surety in the like amount;

(ii) Applicant shall attend the Investigating Officer as and when called till the filing of charge-sheet;

(P.N. DESHMUKH, J)