

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

BAIL APPLICATION No. 699 OF 2018

Shahrukh Yasin Shaikh

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Satyavrat Joshi for Applicant

Ms. Veera Shinde -APP

Mr. Shendge- Havildar, Haveli Police Station, Pune

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 11, 2018

P.C.

1. Heard. This is an application filed under section 439 of the Criminal Procedure Code. The Applicant herein is arrested on 16th August, 2017 in Crime No. 253 of 2017 registered at Haveli Police Station, Pune on 14th August, 2017 for the offence punishable under section 302, 307, 201, 143, 147, 148, 149, 120(B) of the Indian Penal Code. The investigation is completed and the charge-sheet is filed on 9th November, 2017.

2. It is the case of the prosecution that on 14th August, 2017, one Vishal Shelke had lodged a report at Haveli Police Station alleging therein that he

happens to be a good friend of Swapnil, on 13th August, 2017 had been gone to Sinhagad for tracking along with him. When they reached at the fort, having a party and they consumed alcohol. They went to farm house. They had met one Mangesh Koditkar, who happens to be the known rival of Swapnil. At about 7.15 p.m., they had ordered for food. Suddenly, Mangesh had appeared on the scene along with 6/7 persons, who had armed with deadly weapons like, chopper, sickle and revolver. They had assaulted Swapnil and due to serious injuries, he had died in the said incident. It is a matter of record that Swapnil, in fact, had 47 injuries.

3. The learned counsel for the Applicant submits that in fact, the present Applicant is praying for bail viz. by virtue of doctrine of parity. The original accused No.9 was released on bail by the Court on 22nd January, 2018. The principal accused i.e. Original Accused No.1 Vithal Sudam Barate has also been released on bail.

4. Taking into consideration the role attributed to the present Applicant and by observing that the role attributed to him is the same as that has been attributed to the Original Accused No.9, this Court is inclined to grant bail to the present Applicant. However, the observations made hereinabove are prima facie in nature and restricted only for the present application filed under section

439 of Cr.P.C. and shall not be taken into consideration at the time of filing of discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Bail application is allowed.
- (ii) The Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs.25,000/- and one or more solvent sureties in the like amount.
- (iii) The Applicant shall not reside within the jurisdiction of Haveli Police Station till the conclusion of trial.

Bail application is disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]