

Anand

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

BAIL APPLICATION NO. 808 OF 2018

Pradeep Chandrakant Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. H. Ingale i/b. Mr. T. N. Khandare, Advocate, for the Applicant
Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.05.2018

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. 254 of 2015 registered with the Shil Daighar Police Station, for the alleged offences punishable under Sections 307, 326 r/w 34 of the Indian Penal Code and Sections 37(1), 135 of the Maharashtra Police Act.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused – Vinu Vasant Patil has been enlarged on bail by this Court (Coram : Smt. Sadhana S.

Jadhav, J.) vide Order dated 10.01.2017 passed in B. A. No. 291 of 2016.

4. Learned APP does not dispute the fact, that the role of the Applicant is similar / identical to that of co-accused – Vinu Patil who has been enlarged on bail.

5. Perused the papers. According to the prosecution, the incident took place on 08.10.2015 at about 9.15 a. m., when the Complainant – Nisar Ahmed Mohammed Raza Khan was at the pan shop of his son. It is alleged that co-accused – Parvez who was armed with a sword had been to the shop and questioned the Complainant why a complaint was filed against him. It is alleged that co-accused – Parvez assaulted Akbar Ali on his face and back with the sword. It is alleged that Parvez was accompanied by his associates – Vinu Patil, Javed and others. According to the prosecution, Vinu Patil and the present Applicant were present at the scene of offence and exhorted Parvez to assault Nazir. Similarly placed co-accused – Vinu Patil has been enlarged on bail vide Order dated 10.01.2017. Apart from the allegation that the Applicant also exhorted Parvez to assault Nazir, there is no material to show that the Applicant was armed with any weapon. It is

also pertinent to note that co-accused – Vinu Patil had ten cases registered against him like the present Applicant.

6. Considering the role of the Applicant and the fact that investigation is complete and charge-sheet is filed, 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. 50,000/-** with one or more local solvent sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the Kalyan Police Station on the **1st and 3rd 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 shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the

concerned Police Station;

(v) The Applicant shall not leave Mumbai, Thane & Palghar without prior permission of the trial Court;

(vi) The Applicant shall file an undertaking with regard to clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults in appearing before the trial Court or appearing before the investigating officer of the concerned police station or if there is a breach of any of the aforesaid conditions, the prosecution will be at liberty to apply for cancellation of the Applicant's bail.

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.)