

Anand

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

BAIL APPLICATION NO. 888 OF 2018

Narayan Babu Jadhav

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. A. M. Savagave, Advocate, for the Applicant

Mrs. Rutuja Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.04.2018

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. 362 of 2015 registered with the Kalwa Police Station, District - Thane, for the alleged offences punishable under Sections 302, 201, 364, 367 r/w 34 of the Indian Penal Code and under 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 identically placed co-accused – Vijay Madhukar Howale & anr. have been enlarged on bail by this Court

(Coram : N. W. Sambre, J) vide Order dated 06.12.2016 passed in B. A. No. 1677 of 2016 and co-accused – Vinayak alias Choch Chandrakant has been enlarged on bail by this Court (Coram : Prakash D. Naik, J.) vide Order dated 23.06.2017 passed in B. A. No. 527 of 2017 respectively.

4. Learned APP does not dispute the same.

5. Perused the papers. According to the prosecution, original accused No. 1 – Kunal and the original accused No. 2 – Ankit murdered the deceased and thereafter, carried the dead body on a motor cycle belonging to the accused No. 3 – Vijay Owale, and later buried the body. The role ascribed to the Applicant is of destroying the evidence. It is not in dispute that similarly / identically placed co-accused have been enlarged on bail by this Court.

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 sureties in the like amount;

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

(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 to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek 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.)