

Anand

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

BAIL APPLICATION NO. 889 OF 2018

Ajij alias Ajju Sansar Chandaliya .Applicant

Vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO. 422 OF 2018**

Suraj alias Sumit Suryaprakash Singh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. M. U. Kazi, Advocate, for the Applicant in **B. A. No. 889 of 2018**
Mr. P. Toshniwal i/b. Mr. A. Satpute, Advocate, for the Applicant in
B. A. No. 422 of 2018

Mrs. A. A. Takalkar, APP, for the Respondent – State **in both matters**

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. 97 of 2016 registered with the Ulhasnagar Police Station, District - Thane, for the alleged offences

punishable under Sections 302, 120B, 143, 144, 147, 148, 149, 201, 506(2) of the Indian Penal Code; under Section 4(25) of the Arms Act and under Section 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 / identically placed co-accused – Akash Ramavtar Zhanjorkar has been enlarged on bail by this Court (Coram : A. M. Badar, J.) vide Order dated 16.11.2017 passed in B. A. No. 1369 of 2017.

4. Learned APP does not dispute the fact that similarly / identically placed co-accused - Akash Ramavtar Zhanjorkar has been enlarged on bail by this Court and that the role of the Applicant is similar to that of co-accused – Akash Zhanjorkar.

5. Perused the papers. The incident has taken place on 10.05.2016 between 9.30 p. m. and 10.15 p. m.. The Complainant – Gautam Ramdas Surwade (a friend of Deepak – deceased) is also an eye witness to the incident. It may be noted that the Applicant has not been named either in the FIR lodged by Gautam Surwade nor has been named by Santosh Jawale (eye witness) in his first statement recorded

on 15.05.2016. It appears that it is only in the supplementary statements that the Complainant – Gautam Surwade and eye witness – Santosh Jawale have named the Applicant. In fact, co-accused - Akash Zhanjorkar has been enlarged on bail in view of the non-disclosure of Akash's name by the Complainant – Gautam and eye witness – Santosh in their first statements. Similarly, like Akash, the Applicant's arrest is reflected in two panchanamas i. e. on 11.05.2016. No motive is alleged as against the Applicant. The Applicant is aged 18 years. Investigation is complete and charge-sheet is filed. The Applicant has no antecedents.

6. Considering that the role of the Applicant is similar to that of co-accused – Akash Zhanjorkar, 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. **30,000/-** with one or two solvent sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on **1st 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 to cooperate in the conduct of the trial;

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

(vi) 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.

8. **B. A. No. 422 of 2018** to be listed on **06.06.2018**.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)