

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

CRIMINAL BAIL APPLICATION NO.1664 OF 2018

Shankar Bajirao Kale

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....

Mr.Kamlesh N. Gujar, Advocate for the Applicant.
Ms.A.A. Takalkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 19, 2018.

P.C. :

Applicant is seeking bail in connection with C.R. No.292 of 2015, registered with Juhu Police Station, Mumbai, for the offences punishable under Sections 397 and 342 of Indian Penal Code (for short "IPC"). Applicant is arrested on 15th August, 2015. The case of the prosecution is that the complainant is residing at 371, Jaymata Kutir, Juhu, Mumbai. Said bungalow is owned by his brother. Complainant is taking care of the said bungalow. Accused Sarvan was engaged as a cook in the bungalow. There are about five servants in the bungalow. On 30th July, 2015, complainant took dinner and went to sleep. On 31st July, 2015, the complainant heard barking of dogs, and, therefore, went out of the room. He found that the door of the

room of the servant was open. Hence, he went towards the said room. Six persons came to the said room. One of them assaulted the complainant by sickle. Complainant caught hold of sickle by his hands. However, he sustained injuries. One person dragged the complainant and made him sit near Rahul and Sarvan. Two of them tied hands and legs of the complainant. They also threatened him to keep quiet. Gardner was sleeping on the water tank, who came there after 15 to 20 minutes and released the complainant. The cupboard lying in the office was open. The mobile phone of Rs.15,000/-, two golden chains, rings and four watches were missing and other articles were also found missing. Hence, First Information Report ("FIR", for short) was lodged.

2 Applicant preferred an application for bail before the Sessions Court which was rejected on 1st November, 2017.

3 Learned counsel for the applicant submits that the applicant is in custody for a period of about three years. Investigation is completed and charge-sheet is filed. It is submitted that all others who were arrested had been granted bail. Learned counsel brought to my notice order dated 11th June, 2018, passed by this Court in Bail Application Nos.2698 of 2017

and 2699 of 2017, granting bail to accused Sunil Shinde and Dadaya Kale. Learned counsel also pointed out the order passed by this Court granting bail to accused Ambadas Shinde and Prakash Patil by order dated 7th March, 2017, vide Bail Application Nos.1005 of 2016 and 1163 of 2016. I have also perused order dated 17th July, 2017, passed in Bail Application No. 331 of 2017, granting bail to S.S. Das. Thus, it is apparent that undisputedly the case of the applicant and others who are granted bail stands on a similar footing and the applicant is entitled for parity. It is also noted that the applicant is in custody since the date of his arrest.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.1664 of 2018, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.292 of 2015, registered with Juhu Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall attend Juhu Police Station, Mumbai, once in a Month on first Monday of the month between 10:00 a.m. to 12:00 noon, till further order;
- (iv) Applicant shall also attend the trial Court during the hearing of the case, unless exempted by the Court for some reason;
- (v) Applicant shall not tamper with the evidence;
- (vi) Bail Application No.1664 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)