

Anand

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

BAIL APPLICATION NO. 1772 OF 2018

Shrinivas Surendra Kanade .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. A. S. Khandeparkar a/w Mr. Shantanu Chandratre, Advocate,
for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.09.2018

P.C.

. Heard learned counsel for the Applicant and the
learned APP for the Respondent – State.

2. This is the Second Bail Application preferred by the
Applicant. It is recorded in the First Bail Application, being B. A.
No. 314 of 2017 as under :-

“After arguing for some time, learned counsel for the
Applicants seeks leave to withdraw the Applications”. Accordingly,
the said Application was dismissed as withdrawn.

3. By this Second Bail Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 296 of 2016 registered with the Panchvati Police Station, District - Nashik, for the alleged offences punishable under Sections 302, 307, 323, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

4. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that similarly placed co-accused Kiran Dinesh Nagare has been enlarged on bail by this Court (Coram : P. N. Deshmukh, J.) vide Order dated 16.04.2018 passed in B. A. No. 187 of 2018. He submits that even Akash Vilas Jadhav has been enlarged on bail. He submits that in fact, the Applicant is better placed than co-accused Kiran Nagare & Akash Jadhav. According to the learned counsel, this is the change in circumstances, requiring the Applicant to file this present Application.

5. Learned APP does not dispute the fact, that the role of

Kiran Nagare & Akash Jadhav is similar to the Applicant.

6. Perused the papers including the Order dated 16.04.2018 enlarging co-accused - Kiran Nagare on bail. According to the prosecution, the Applicant alongwith co-accused assaulted Sunil Wagh & Mandabai Wagh with sticks. Admittedly, Mandabai's Certificate is not on record. It is not in dispute that the role of the Applicant is similar / identical to that of co-accused – Kiran Nagare & Akash Jadhav, who are also alleged to have assaulted the deceased - Sunil Wagh. This is the change in circumstance. Hence, on the ground of parity i. e. on the ground that co-accused – Kiran Nagare & Akash Jadhav, the Application deserves to be allowed, on the following terms & conditions :-

O R D E R

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 50,000/-** 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 11.00 a. m. to 12.00 noon till the conclusion of the trial;

(iii) The Applicant shall attend the trial Court on all the dates fixed by the trial Court;

(iv) The Applicant shall not enter the territorial jurisdiction of the Panchvati Police Station, District – Nashik except for the purpose of attending the trial Court on the dates given by the trial Court or for attending the Police Station;

(v) 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;

(vi) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

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

(viii) 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.)