

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

BAIL APPLICATION NO.1964 OF 2018

Rajesh Asaram Salve	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
BAIL APPLICATION NO.2223 OF 2018**

Vyankat Narayan Bhos	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Satyavrat Joshi for the Applicant in BA/1964/2018.
Mr. Aniket Nikam with Mr. Ashish Satpute for the Applicant in BA/2223/2018.
Mrs. Pallavi N. Dabholkar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th OCTOBER, 2018.

P.C.:-

These are the applications filed under Section 439 of the Cr.P.C. filed by the aforesaid Applicants, who are arrested in C.R. No.318 of 2018 registered with Lonikand Police Station for offences punishable under Sections 120 B, 143, 147, 302 and 324 r/w 149 of the Indian Penal Code, 1860.

2. Heard Mr. Satyavrat Joshi, the learned counsel for the

Applicant in Bail Application No.1964 of 2018, Mr. Aniket Nikam, the learned counsel for the Applicant in Bail Application No.2223 of 2018 and Mrs. Pallavi N. Dabholkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Aslam Kothali. The records prima facie indicate that said Aslam was working in ZF Steering Gear (India) Ltd. Company. He had alleged that on 22.3.2018 at about 00.30 hours while he was proceeding towards his house six persons with their faces covered came on two motorcycles and assaulted him by sticks. He has further stated that when he questioned them, one of the persons told him that he was raising too many issues in the company. Based on the said report crime was registered against unknown persons for forming an unlawful assembly and committing offence under Section 324 and other sections of the IPC. The first informant-Aslam died on 23.3.2018 and hence Section 302 of the IPC came to be added. In the course of the investigation Applicants and the other co-accused were arrested. It is the case of the prosecution that the present Applicants had hatched a criminal conspiracy to eliminate the deceased Aslam. It

is to be noted that apart from the call records, there is no prima facie material to show the involvement of the Applicants in committing the said offence.

4. It is to be noted that the other co-accused, who were allegedly involved in assaulting the deceased have been released on bail. As stated earlier, it is not the case of the prosecution that the present Applicants were actual assailants. Role attributed to the Applicants is that they had entered into a criminal conspiracy to commit murder of the first informant. Considering the fact that the main assailants are granted bail, in my considered view the Applicants are also entitled for grant of bail on the ground of parity.

5. Under the circumstances and in view of discussion supra, the applications are allowed on following terms and conditions:-

(i) The Applicants, who are arrested in C.R. No.318 of 2018 registered with Lonikand Police Station, shall be released on bail on furnishing bail bonds of Rs.30,000/- each with one or two solvent sureties in the like amount.

(ii) The Applicants shall furnish their permanent as well

as temporary addresses, if any, and their contact details to the concerned investigation officer.

(iii) The Applicants shall not change their residential addresses without prior intimation to the concerned investigation officer.

(iv) The Applicants shall not tamper with the evidence and/ or interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)