

JPP

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

CRIMINAL BAIL APPLICATION NO. 2561 OF 2018

Vikas Vishwanath Ovhal

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Rahul Kadam for the Applicant.

Ms. S.S. Hulkes, APP for the Respondent – State.

CORAM : A.S. Gadkari, J.

DATE : 27th November 2018.

P.C. :-

1. This is an application under Section 439 of Code of Criminal Procedure for bail in C.R. No. 619 of 2015 dated 17th November 2015 registered with Pimpri Police Station, Pune under Section 302, 120(B), 143, 147, 148, 149 of the Indian Penal Code and under Section 4(25) of Arms Act and under Section 37(1) with 135 of Bombay Police Act.

2 Heard learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.

3. The learned Counsel for the Applicant submitted that the co-accused viz. Sunil Gorakh Jadhav, who has been attributed with more serious role than the Applicant has been granted bail by this Court by its order dated 13th November 2017 in Bail Application No. 1675 of 2017 and therefore, the Applicant is entitled to be released on bail on the ground of parity.

4. After perusing the entire charge-sheet it appears that the co-accused Sunil Jadhav, who has been attributed with a role of last seen together and recovery of sword at his instance has been granted bail by this Court. The material available against the present Applicant is in the form of statement of co-accused made under Section 27 of the Indian Evidence Act.

5. In view of the above, the Applicant is entitled to be released on bail on the ground of parity.

Hence the following order :

(a) The Applicant be released on bail in C.R. No. 619 of 2015 registered with Pimpri Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(b) After his release from the jail, the Applicant shall attend the concerned Police Station on every 1st Monday of the month between 10.00 a.m. to 2.00 p.m.

(c) Applicant shall not tamper with the evidence and / or influence the prosecution witnesses.

6. Application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)