

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

BAIL APPLICATION NO.2855 OF 2017

Nimesh Dilip Darekar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Prashant Pandey, i/by Pragati Shinde & V. Shetty for the Applicant.
Mr. P.N. Dabhokar, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd JANUARY 2018

P.C.:

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.344/2015 registered with Samata Nagar Police Station under Sections 307, 143, 147, 148, 149, 149 of the Indian Penal Code r/w. Sections 37 and 135 of the Maharashtra Police Act.
2. Heard the learned Counsel for the applicant and the learned APP. Perused the charge-sheet.
3. The learned Counsel appearing for the applicant submitted that, the co-accused namely Mr. Yamesh D. Darekar, who has been attributed

with same and similar role in assault as that of the applicant has been released on bail by this Court by its Order dated 14.11.2017, and therefore, the applicant is entitled to be released on bail on the ground of parity.

Learned APP fairly conceded to the said fact that, parity is applicable to the present applicant with Yamesh Darekar.

4. After perusing the charge-sheet, this Court is of the view that, the applicant is similarly situated as that of Yamesh Darekar in all respects, and therefore, is entitled to be released on bail on the ground of parity.

5. Hence, the following order.

(i) The application is allowed.

(ii) The applicant/accused in Crime No.344 of 2015 registered with Samata Nagar Police Station, for offences punishable under Sections 307, 143, 147, 148, 149 of the IPC and under Sections 37 and 135 of the Maharashtra Police Act, is ordered to be released on bail on his executing P.R.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.

(iii) As a condition of this order, the applicant/accused shall not

directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or to the Police Officer.

(iv) The applicant/accused shall not contact the alleged victim injured Akhilesh in any manner.

(v) The applicant/accused shall not commit any crime in future while enjoying liberty under this order.

(vi) Failure to abide by the conditions so imposed shall warrant cancellation of bail granted to the applicant/accused.

6. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)