

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

**CRIMINAL APPLICATION NO.1568 OF 2016
IN
CRIMINAL APPEAL NO.1098 OF 2013**

Harish Rama Mandvikar

..Applicant

Versus

The State of Maharashtra

..Respondent

**Mr. Milan Desai I/by Saeeda Shaikh, Advocate for the Applicant.
Mr. J. P. Yagnik, APP for the Respondent - State.**

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 4th DECEMBER, 2018**

P.C.

1] This is an application for bail, pending hearing of the Appeal.

2] The Applicant/Appellant alongwith other seven accused have been convicted for the offence punishable under Section 302 r/w 120B of the Indian Penal Code.

3] Prosecution case is that, the accused person hatched a conspiracy to do away with deceased Suresh Bhagat. He was to attend the Sessions Court on 13/06/2008 in connection with NDPS

case. It is the prosecution case that, accused No.4, accused No.7, accused No.8 and accused No.6 gave Supari to accused No.3 to eliminate the deceased by ensuring that, there is a head-on collision of the truck, which was driven by accused No.1 with the Scorpio vehicle in which the deceased was travelling.

4] This Court while considering the application of one Suhas Mahadev Roge, vide order dated 7th February 2018, in Criminal Application No.1330 of 2017 after considering material, has allowed the application of Accused No.4.

5] It could thus be seen that it is the prosecution case that present Applicant was given Supari by the other accused including Accused No.4. It could thus be seen that the actual motive to commit crime is attributed to Accused Nos.4, 7, 8 and 6. The Accused No.8 and Accused No.4 are already released on bail. The present Applicant is also behind the bars for more than ten years. In that view of the matter, we find that on account of parity with the other accused, the present Application also deserves allowed.

6] In the result, we pass the following order :-

ORDER

- I) The Criminal Application is allowed.
- II) The Applicant is directed to be released on bail on his furnishing bail bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- III) The Applicant shall report to Crime Branch, Unit -I on every Monday between 10:00 a.m. to 12:00 noon.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]