

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

BAIL APPLICATION NO.2963 OF 2017

Wazid A. Razzak Satar Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Samir Kumbhakoni for the Applicant.
Mr. S.R. Agarkar, APP for the State.

Mr. Mahibub G. Shaikh, Head Constable, MIDC Police Station,
Solapur.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 18th January, 2018

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP. Perused the papers of investigation.

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant is seeking his enlargement on bail in Crime
No.557 of 2016, registered at M.I.D.C. Police Station, Solapur for the
offences punishable under Sections 307, 326, 327, 324, 120B, 143,
147, 148, 149, 504, 506 Indian Penal Code, Section 4(25) of the
Arms Act and Section 135 of the Mumbai Police Act.

3 It is the case of the prosecution that on 4th November 2016, one incident had taken place at about 8.30 pm. and the second incident had taken place at 10.30 pm. At about 8.30 pm, one Sayed was assaulted with an iron rod by Faizal Salar. He had sustained injuries. It is alleged that Sarafraj Jahagirdar lodged a report at the police station alleging therein that initially there was a quarrel between the brother of the complainant and one Dadu Salar. Dadu Salar had made a phone-call to the brother of the applicant and had threatened him of dire consequences and thereafter within a short while, 25 to 30 people had come on the spot and had assaulted Faizal Salar, Dadu Salar and others. No specific role has been attributed to the present applicant in the F.I.R.. In the course of investigation also, there is no recovery at the instance of the present applicant. It appears to be the case of road rage.

4 Learned counsel for the applicant submits that some accused are enlarged on bail by the Sessions Court and the other accused are enlarged on bail by this Court. By virtue of doctrine of parity, the present applicant would also be entitled to grant of bail.

5 However, it is made clear that the observations are restricted to the application under Section 439 Cr.PC. and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

ORDER

- 1 The application is allowed.
- 2 The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- 3 The applicant shall not reside at Solapur till framing of the charge.
- 4 Learned counsel for the applicant, upon instructions, submits that the applicant will reside at Gadag, Karnataka till the charge is framed and report to Gadag City Police Station every Sunday.

Leave to add/amend.

(Smt. Sadhana S. Jadhav, J)