

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 370 OF 2019
IN
CRIMINAL APPEAL NO. 698 OF 2017**

Mahesh Ganpati Bhakare ... Applicant
Versus

State of Maharashtra and Ors. ... Respondents

Dr. Yug Mohit Chaudhary for the applicant.

Mr.J.P. Yagnik, APP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
P.D. NAIK, JJ.**

DATE : MARCH 15, 2019

P.C.:

Heard advocate Chaudhary for the applicant and learned APP for the respondent State. Perused the orders dated 4/6/2018 on Criminal Application No. 183 of 2018 in Criminal Appeal No. 700 of 2017 and order dated 9/1/2019 on Criminal Application No. 1023 of 2018 in Criminal Appeal No. 701 of 2017.

2. Criminal Appeal No.700 of 2017, 701 of 2017 and 699 of 2017 are filed by three other accused persons in the same crime. They all were tried in Sessions Case No. 21 of 2015 along with the present applicant and have been convicted by a common judgment dated 20/4/2017. The present applicant is accused no.1 therein.

3. Counsel for the applicant submits that the learned trial

court has accepted and acted upon section 164 Cr.P.C. statements which were disowned by the respective witnesses. Learned APP is strongly opposing any intervention of this Court.

4. However, we find that in identical situation grant of bail to other three accused in the same offence is not in dispute.

5. We therefore, find that accused no.1 is also entitled to similar treatment and therefore, grant of bail. Hence, the following order is passed :

1. The applicant Mahesh Ganapati Bhakare to be released on bail in the sum of Rs.1,00,000/- (Rs. One Lakh Only) with one or two sureties to make up the said amount.

2. The applicant shall not enter into Ichalkaranji area till further orders.

3. Before being released on bail, the applicant shall intimate the address at which, he will reside during the period that he is on bail.

4. The applicant shall report to the nearest police station to that address once in a week i.e. on the first Monday of every week.

5. Application is allowed and is disposed of in above terms.

(P.D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)