

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

CRIMINAL BAIL APPLICATION NO. 147 OF 2019

Satish Madhukar Padekar ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Aaditya A Gore for Applicant.

Mr. N. B. Patil, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 17, 2019.

P.C. :

. In Crime No. 89 of 2018 for an offence punishable under Sections 302, 341, 324, 323, 143, 147, 148, 149 of the Indian Penal Code the Applicant is seeking regular bail. The Applicant is arrested on 13th April 2018.

2. The case of the Applicant is as under :

(a) The investigation in the matter is completed and the chargesheet is already filed;

- (b) The other similarly placed co-accused Shubham Kamlakar Pansare is already ordered to be released by this Court on 18th December 2018 in Bail Application No. 3021 of 2018; and
- (c) In Test Identification Parade the Applicant was not identified by the victim as a person who was present on the spot.

As such, a prayer for release of the Applicant on bail is made by the learned Counsel for Applicant.

3. The learned APP opposed the prayer on the ground that principle of parity will not apply in the case in hand for the reason that the eye-witnesses have named the Applicant as a person involved in the crime in question.

4. Considered rival submissions.

5. It is true that co-accused Shubham Pansare against whom similar allegations were made was ordered to be released on bail, however, it appears that the statement of eye-witnesses namely, Santosh Hulwale, Smt. Varsha Santosh Hulwale, Mayuresh Santosh Hulwale and

Sunil Dagadu Hulwale were not brought to the notice of the Court while dealing with an issue as regards non-identification in Test Identification Parade. The eye-witnesses have specifically named the Applicant as one who was present on the spot of the incident and actively participated in the assault resulting into the death of one of the victim.

6. As such, no case for bail is made out. Hence the Criminal Bail Application stands rejected.

(NITIN W. SAMBRE, J.)