

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

BAIL APPLICATION NO. 257 OF 2019

Vickysingh Didisingh Kalyani	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Harjeet Kaur Bhagwant Singh for the Applicant.
Ms. A.A. Takalkar, A.P.P. for the Respondent – State.

CORAM : P.N. DESHMUKH, J.

DATED : 22nd APRIL, 2019.

P.C. :

1 Heard. This application is filed by one of the co-accused involved in Crime No.109 of 2018 registered with Wanwadi Police Station, Pune, for the offences punishable under Sections 307, 323, 324, 326, 504, 506(2) 143, 144, 147, 148, 149, 452, 427 of I.P.C. and Section 3(25), 4(25) of Arms Act and Section 37(1), 135 of Bombay Police Act, for bail.

2 Learned Counsel for applicant had pressed this application for bail on the ground of parity alleging that out of total seven accused involved in this case, six are released on bail by the trial Court and one co-accused is granted anticipatory bail by this Court. It is contended that role of applicant is at par with that of other co-accused persons who are released on bail. It is, therefore, prayed that application be allowed on parity, as well as on merits as there no specific role is attributed to

applicant and thus, though amongst three injured one had sustained grievous injury in the nature of fracture of right Tibia, there is nothing to establish that it is caused by applicant. Application is, therefore, prayed to be allowed.

3 Learned A.P.P. opposed the application contending that involvement of applicant is established from the statement of eye witnesses as well as from the report and as such opposed the application as there is direct evidence.

4 Perusal of report would reveal that it was lodged by one Ujalasingh Tak alleging that on 11.03.2018, his four wheeler was damaged which he subsequently learnt to be damaged by setting on fire by applicant. In this background on 13.03.2018, when complainant was in his house, applicant along with co-accused Vickysingh Didisingh Kalyani and Jockysingh Jalindarsingh Kalyani, having armed with koyta, pistol and pipe respectively, assaulted complainant and his mother with the weapons possessed by them. Injury report of complainant refers of his sustaining one CLW and fracture to right Tibia while his mother and one Ballusingh are certified who have sustained abrasion and CLW. Admittedly, co-accused Vickysingh and Jockysingh are released on bail by the trial Court and on anticipatory bail by this Court. By order passed below Exh.G by the

learned trial Court, similarly co-accused Jockysingh is also granted anticipatory bail by the trial Court. Thus, it is noted that out of assailants as named in F.I.R. co-accused Vickysingh and Jockysingh are granted anticipatory bail as aforesaid. Roles attributed to said co-accused and applicant is similar of opening assault by free fight assault on complainant, his mother and one Ballusingh Tak. It is also found that this Court had granted bail to co-accused Sachin observing that there is nothing to establish if there is any use of fire arm in the present crime and said applicant is involved as assailant by kick blows and fist blows.

5 Having considering the involvement of applicant as aforesaid he is entitled for bail on parity. Application is, therefore, allowed as per order below :

ORDER

- (i) Applicant shall be released on bail in C.R. No.109 of 2018 registered with Wanwadi Police Station, Pune, for the offences punishable under Sections 307, 323, 324, 326, 504, 506(2) 143, 144, 147, 148, 149, 452, 427 of I.P.C. and Section 3(25), 4(25) of Arms Act and Section 37(1), 135 of Bombay Police Act, on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;
- (ii) Applicant shall attend Wanwadi Police Station on the first day of each month between 10.00 a.m. to 1.00 p.m. initially for the period of six months and, thereafter, quarterly on the first day of each such month pending trial.

(P.N. DESHMUKH, J.)