

Dond

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

BAIL APPLICATION NO. 653 OF 2019

Swapnil Ramchandra Fatkale

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. Hrishikesh Mundargi I/b Madan Gupta for the Applicant.

Ms. S.J. Lohokare, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 24th April 2019.

P.C.:

1] This is an application under section 439 of Cr. P.C for bail in CR No. 653 of 2017 dated 7.11.2017 registered with Sakinaka Police Station, Mumbai under sections 141, 142, 143, 144, 146, 147, 148, 149, 363, 302, 109, 114, 120-B of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

3] The learned counsel for the applicant submitted that, two other co-accused namely Namdeo S. Dighe and Vinit V. Korade have been attributed with similar role have been granted bail by this Court by its Order dated 3rd September 2017. He therefore submitted that, the applicant may also be released on bail on the ground of parity.

4] Perusal of the chargesheet would indicate that, the name of the applicant first emerged on record in the statement of Aniket Jaiswal recorded on 15.3.2018 i.e. after a gap of about four months from the date of incident. In the statement of Aniket Jaiswal the role attributed to the applicant is of assault with bamboo stick. Two other co-accused namely Namdeo S. Dighe and Vinit V. Korade have been attributed with similar role. In view thereof, the applicant is entitled to be released on bail on the ground of parity.

5] Hence the following Order:-

i] Applicant is directed to be released on bail in connection with C.R. No. 653 of 2018 registered with Sakinaka Police Station, Mumbai on his furnishing PR bond in the sum of Rs.20,000/-with one or more solvent local sureties in the like amount.

ii] Applicant shall report to Sakinaka Police Station, Mumbai on every first Saturday of the month between 10-00 a.m and 12.00 noon.

iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)