

Anand

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

BAIL APPLICATION NO. 1010 OF 2019

Rakesh Kotwal Singh .Applicant

Vs.

The State of Maharashtra .Respondent

Ms Priyanka Dubey i/b. Mr. E. B. Dixit and Mr. S. C. Thakur,
Advocate, for the Applicant

Mr. S. V. Gavand, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 11.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 230 of 2018 registered with the Tulinj Police Station, Palghar, for the alleged offences punishable under Sections 302, 365, 364, 201, 120B r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant seeks bail on the ground of parity. She submits that identically placed co-accused –

Raj Jadhav as well as Pankaj Singh have been enlarged on bail by this Court vide Orders dated 07.12.2018 and 24.04.2019 respectively.

4. On the last date, learned APP had sought time to verify whether the role of the Applicant is similar / identical to the said accused – Raj Jadhav and Pankaj Singh. Learned APP on verifying the position makes a statement that the role of the Applicant is similar / identical to that of Raj Jadhav and Pankaj Singh, who have been enlarged on bail by this Court. He submits that however, as against the Applicant, there is recovery of Wrist Watch of the deceased under Section 27 of the Evidence Act. He submits that the Applicant has no antecedents.

5. Perused the papers. While enlarging co-accused – Raj Jadhav on bail, this Court vide Order dated 07.12.2018 had considered in detail the statements of two eye witnesses i. e. Sudhiraj Chavan and Khageshwar Chetri on the point of last scene and after considering the same, had enlarged the accused on bail, for the reasons which are recorded in the said order.

6. The role of the Applicant appears to be similar / identical to that of co-accused who are enlarged on bail. The only other evidence as against the Applicant is recovery of a wrist watch of the deceased, at his instance.

7. Considering the aforesaid, the Application is allowed and the Applicant is enlarged on bail on the ground of parity, on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs. 25,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned Police Station on the first Monday of every month between 10:00 a. m. and 12:00 noon for a period of 12 months from the date of his release;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to cooperate with the conduct of the trial;

(vi) The Applicant to file an undertaking with regard to Clauses (ii) to (v), in the trial Court, within two weeks of his release;

(vi) If there is a breach of any of the aforesaid conditions or there are two consecutive defaults in attending the trial Court, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)