

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

BAIL APPLICATION NO. 1106 OF 2019

Shivaji Baban Pawar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Satyam Nimbalkar a/w Mr. Hrishi Ghorpade for the Applicant.
Mr. Prashant Jadhav, A.P.P. for the Respondent – State.
Mr. Choukhande, A.P.I., Saswad Pune Gramin Police Station, present.

CORAM : P.N. DESHMUKH, J.

DATED : 25th APRIL, 2019.

P.C. :

1 Heard learned Counsel for applicant and learned A.P.P.
Perused the charge-sheet.

2 One of the co-accused involved in crime No.281 of 2018 has sought regular bail. Learned Counsel for applicant submitted that total 15 accused are involved in this crime out of which 10 are named in the F.I.R. dated 01.08.2018. However, no name of applicant is mentioned. Application is mainly pressed for bail, on the ground of parity with co-accused Santosh Ghise, Shobha Katke who are granted bail by this Court and it is further submitted that it is only in the supplementary statement of complainant recorded on 03.08.2018, applicant's name has come as one of

the assailants, however, no specific role is attributed. By referring to the available evidence against co-accused Santosh Ghisre, Sanjana Gaikwad who are already released on bail, it is pointed out that in fact role attributed to said co-accused is of there throwing chilly power on the deceased and reference of finding of chilly powder is in spot panchnama.

3 In view of above stated facts and also on considering the fact that even in the subsequent statement of complainant recorded under Section 164 of Cr.P.C. on 16.10.2018, no role is specifically attributed against applicant. In the circumstances, case is made out for grant of bail as per order below :

ORDER

(i) Applicant shall be released on bail in C.R. No.281 of 2018 registered with Saswad Police Station, Pune, for the offences punishable under Sections 302, 307, 143, 145, 147 of I.P.C. and Section 3(25) of Arms Act on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;

(ii) Applicant shall mark his presence with Saswad Police Station on the first day of each month initially for a period of six months and thereafter quarterly on first day of each such month, pending trial.

Application stands disposed of.

(P.N. DESHMUKH, J.)