

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

**CRIMINAL APPLICATION NO.577 OF 2019
IN
CRIMINAL APPEAL NO.658 OF 2019**

Idris Nathu Khan @ Sanjay	...	Applicant
Versus		
State of Maharashtra	...	Respondent

.....

Mr. Prashant G. Pandey for the Applicant.
Mr. J.P. Yagnik, APP for the State.

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**CORAM : B.P. DHARMADHIKARI AND
SMT. SWAPNA JOSHI, JJ.**

DATE : 4 JUNE 2019

P.C. :

. Heard the respective advocates.

2 The Applicant/original accused No.2 convicted by the Additional Sessions Judge in Session Case No.72 of 2010, vide judgment dated 27 December 2016, with imprisonment for life for offence under Section 302, imprisonment for seven years for offence under Section 394, is seeking bail on the ground of parity.

3 It is pointed out that accused No.2 Mohammed Riyaz Bhikki Khan Mansuri @ Raju @ Chandbabu has been allowed bail by this Court, whilst passing the order on Criminal Application No.1046 of 2017 in Criminal Appeal No.689 of 2017, on 6 August 2018. Learned Counsel for the

Applicant states that reasons recorded therein hold good even in case of the present applicant.

4 Learned APP is disputing this. He has invited our attention to the findings recorded by Trial Court on Point Nos.2 to 4, in paragraph-25, to show that the presence of accused on spot and blood group of deceased on their clothes, is already established. According to him, it cannot be said that conviction is ordered only on account of extra judicial confession.

5 We have seen paragraph-25 in the impugned judgment. The observations therein are not in relation to only the present Applicant, but show that though the incident had taken place on 26 November 2009 and arrests have been made in Uttar Pradesh on 30 November 2009, the first medical examination of accused is on 3 December 2009.

6 In the situation, we find that the reasons recorded on 6 August 2018 by this Court, while releasing accused No.1 on bail, also applicable in the present matter. The recoveries are mostly from accused No.1.

7 Therefore, we direct release of the present Applicant on bail on his duly furnishing bail bond of Rs.15,000/- with one surety in the like amount.

8 The Applicant shall report to Malwani Police Station on first date of every month during the pendency of the present appeal.

9 The application is allowed and disposed of accordingly.

(SMT. SWAPNA JOSHI, J.)

(B.P. DHARMADHIKARI, J.)