

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

BAIL APPLICATION NO.1815 OF 2019

Rushikesh Laxman Mengade & Anr. Applicants

versus

The State of Maharashtra Respondent

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- Mr. Nitesh J. Mohite, Advocate for Applicants.
- Mr. S. S. Pednekar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 22nd JULY, 2019

P.C. :

1. The applicants are seeking their release on bail in connection with C.R. No.73/19 registered with Paud Police Station, Pune under sections 307, 143, 147, 148, 324, 323, 504, 506 r/w. 149 of the Indian Penal Code.

2. The FIR is lodged by one Akash Kisan Karale on 26/2/2019 at around 7.20 a.m. The FIR is in respect of the incident which had occurred on the previous night at about 10.00

p.m. The first informant has mentioned in the FIR that there was some enmity between the applicant's group and the first informant's group. In the night when the first informant and his family members were present in their house, the present applicants and other accused came there with hocky sticks and iron rods. The applicants were carrying hocky sticks. After few exchanges of words, the applicants and other accused assaulted the first informant. Four persons from first informant's group namely Somnath, Rohidas Karale, Gurudas Karale, Akshay Karale and the first informant himself suffered injuries. On these allegations, the FIR was lodged.

3. The allegations against the present applicants are that both of them assaulted Rohidas. Applicant Pravin had assaulted the first informant on hand and face.

4. Heard Mr. Nitesh Mohite, Ld. Counsel for the applicants and Mr. Pednekar, Ld. APP for the State.

5. Ld. Counsel for the applicants submitted that the other accused who were having similar role were granted anticipatory bail by this Court vide order dated 26/6/2019 passed in ABA No.1359/2019. The roles and weapons attributed to the present applicants are not different from those attributed to the accused who were granted anticipatory bail. Thus, on the ground of parity and on merits, the applicants deserve to be released on bail.

6. Ld. APP did not dispute this position.

7. The applicants in ABA No.1359/2019 were granted anticipatory bail on certain conditions. It was observed in the order that the offence under section 307 may not be attracted. Though that fact may be decided during trial. It was observed that the injuries appear simple. In this view of the matter, these applicants deserve to be released on bail on the same conditions as are imposed on the other co-accused. Hence, the following order.

ORDER

(i) The applicants are directed to be released on bail in connection with C.R. No.73/19 registered with Paud Police Station, Pune, on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(ii) The applicants shall not enter Mulshi Taluka till filing of the chargesheet.

(iii) The applicants shall inform the Investigating Officer in respect of the place of their residence.

(iv) The applicants are permitted to enter that area to attend all the Court cases.

(v) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)