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

BAIL APPLICATION NO.2083 OF 2018

Nutan Nandkumar Yashwantrao

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Ms. Swapna Kode for the Applicant.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 5th April 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 203 of 2015 dated 22.6.2015 registered with Shivaji Nagar Police Station, Ambernath, District-Thane under Sections 302, 143, 144, 147, 148, 149 of the Indian Penal Code

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

3] It is the prosecution case that, deceased Nikhil Sidhu was working as a cashier in Hotel Jai Ambe (Golden Punjab) situated at Ambernath. That on the date and time of incident, the applicant came at the said hotel and demanded payment of chicken to which deceased

questioned him about the diary/register of payment. The applicant got enraged and due to same there were altercations between them. The owner of the said hotel Vikas Gill pacified the said same. After sometime the applicant along with accused Meghraj Deshmukh and four to six other persons armed with handle of spade (Favda) and cricket stump came at the scene of offence. The said persons assaulted Nikhil on his head, chest and left hand. Nikhil was subsequently admitted to the hospital where he succumbed to injuries while taking treatment on same day i.e. on 26.6.2015 at about 9.45 p.m

4] The record indicates that, deceased Nikhil was immediately admitted to the Central Hospital Ulhasnagar, and when the first informant and his parents had been there, Nikhil disclosed to them the aforesaid incident and informed them that, it is applicant and Meghraj Deshmukh along with three to four other accused assaulted him.

5] The record indicates that, co-accused namely Roshan Halpatrao, Jeevan Baikar and Shreekant Khanvilkar who have been attributed with same or similar role as that of the applicant have been released on bail by Orders dated 6.2.2017, 26.9.2017 and 1.11.2017 respectively by this Court. The record indicates that, the co-accused Mahendra @ Bandu K.

Deshmukh who has been attributed with the same role has already been released by this Court by its Order dated 20th February 2018.

Since the applicant is similarly situated as that of the aforesaid other accused persons who have been released on bail, the applicant is entitled to be released on bail on the ground of parity.

6] Hence the following Order:

- (i) Applicant be enlarged on bail on furnishing P.R bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (ii) Applicant shall not reside at Ambernath till the framing of charge.
- (iii) Applicant shall report to Kalyan Police Station on first Sunday of each month till the framing of charge.
- (iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)