

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1812 OF 2019

- | | | |
|----|---------------------|-------------|
| 1. | Sunil Ramesh Devkar | .Applicants |
| 2. | Nilesh Hasu Devkar | |
| 3. | Jaywant Hasu Devkar | |

Vs.

The State of Maharashtra	.Respondent
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Mr. Sachin B. Chandan, Advocate, for the Applicants
 Mrs. P. P. Shinde, APP, for the Respondent – State
 Mr. Dheeraj Panchange, Advocate, for the Complainant
 Mr. P. M. Shinde, Head Constable, Kalyan Taluka Police Station, Thane
 (Rural) present

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2019

P. C.

. Heard learned counsel for the parties.

2. As far as the Applicant No. 1 is concerned, learned counsel for the Applicants submits that the Applicant No. 1 has surrendered in the police station, pursuant to the statement made to this Court on 20.08.2019. As far as the Applicant Nos. 2 & 3 are concerned, learned counsel for the said Applicants seeks pre-arrest bail in C. R. No. 287 of 2019 registered with the Kalyan Taluka Police Station, Thane (Rural), for the alleged offences punishable under Sections 326, 324, 323, 504, 143, 144, 147, 148, 149 and 427 of the Indian Penal Code. Learned

counsel for the Applicant Nos. 2 & 3 seeks bail on the ground of parity. He submits that similarly placed co-accused – Laxman, Shrikant, Rupesh, Pankaj & Padmakar have been granted pre-arrest bail by this Court (Coram : Revati Mohite Dere, J.) vide order dated 06.08.2019.

3. Learned APP does not dispute the fact that the role of the Applicant Nos. 2 & 3 is similar to that of co-accused, who have been granted pre-arrest bail by this Court. Admittedly, there is a cross complaint lodged by the Applicants' side as against the Complainant in the present C. R. and others. Except Gajanan, all others have sustained simple injuries. According to the prosecution, the Applicant Nos. 2 & 3 have not assaulted Gajanan but have assaulted others.

4. Considering the role of the Applicants, the Applicant Nos. 2 & 3 are entitled to be granted pre-arrest bail on the ground of parity. Accordingly, the interim relief granted to the Applicant Nos. 2 & 3 on 20.08.2019 is confirmed on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant Nos. 2 & 3 be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 15,000/- each** with one or two sureties in the like amount;

(ii) The Applicant Nos. 2 & 3 shall report to the investigating officer of the concerned police station **as & when called for** by the

investigating officer;

(iii) The Applicant Nos. 2 & 3 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 Nos. 2 & 3 shall inform their latest place of residence and mobile contact number immediately 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 Nos. 2 & 3 shall co-operate with the investigation.

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

6. It is made clear that the observations made herein are *prima facie*, and are confined to this Application.

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

(REVATI MOHITE DERE, J.)