

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2845 OF 2018**

Ramiz Wahid Khan

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Ms. Anjali Awasthi for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th MARCH, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-283 of 2013 dated 7th October, 2013 registered with Nerul Police Station, Navi Mumbai under Sections 143, 144, 146, 147, 148, 149, 152, 326, 427, 307 of the Indian Penal Code and under Sections 4, 25, 27 of the Arms Act and under Sections 37(1), 135 of Bombay Police Act.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 The learned counsel for the Applicant submitted that, all the other accused including the principal accused namely Arjun

Sawant who has been attributed with the role of assault on the first informant with a sword has been granted bail by the Trial Court and therefore, the Applicant is entitled to be released on bail on the ground of parity.

4 Perusal of the charge-sheet would indicate that, the Applicant has been attributed with a role of being member of unlawful assembly with a weapon in hand and no overt act is attributed to him. Therefore, the Applicant is entitled to be released on bail on the ground of parity.

5 In view thereof, I am inclined to release the Applicant on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. I-283 of 2013 dated 7th October, 2013 registered with Nerul Police Station, Navi Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount;
- b) After his release from Jail, the Applicant shall attend all the dates before the Trial Court unless

exempted by the concerned Court.

- c) Any two consecutive defaults in complying with the afore-stated conditions will attract the provisions of cancellation of bail.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)