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

CRIMINAL BAIL APPLICATION NO.3279 OF 2018

Mohd. Rashid Safik Qureshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms.P.P.Vare i/b Mr.P.V.Vare, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 2nd AUGUST, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-62 of 2017, registered with the Kashimira Police Station, Thane Rural, for the alleged offences punishable under Sections 302, 364, 364A, 365, 201, 342, 170, 323, 506 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant seeks bail on the ground of parity. She submitted that identically placed co-accused – Satyakumar

Bhagirati Panigrahi @Dhirenkumar Pille @Kumar has been enlarged on bail by this Court (Coram:Prakash D. Naik,J.) vide order dated 23rd January, 2019 passed in Criminal Bail Application No.2997 of 2018.

4. Learned APP does not dispute the same.

5. Perused the papers. The incident is alleged to have taken place in the intervening night of 11th July, 2016 and 12th July, 2016. According to the prosecution, Satyakumar had abducted Sachin Mohite (deceased) as Sachin had not returned Rs.1.5 lakhs taken from Satyakumar. It is alleged by the prosecution, that pursuant thereto, Satyakumar along with other co-accused abducted Sachin from Sunrise Hotel, Kashmiri Naka and had taken him to Aarey Colony, to the Office of accused No.1-Satyakumar. It is, further alleged that in the said office, Sachin was assaulted by fist and kick blows by the accused and was thereafter taken to R. K. Premium Hotel, Kashmiri in an Innova Car bearing No. MH-04-CT-2942. Some of the accused are also alleged to have travelled in a Corolla Car. In R. K.Premium Hotel, Sachin was again assaulted by fist and kick blows and after the said assault, his body was carried in a Corolla Car bearing No.MH-

04-BN-8595 and was thrown by the accused in Surya river at Manor, Maswangaon.

6. According to the prosecution, there are three eye witnesses to the said incident. It appears that out of the three eye witnesses, Laxmidhar Raut has named the Applicant. According to the prosecution, the Applicant was present with the other co-accused at R. K. Premium hotel and thereafter, when the dead body was disposed off in the Surya river at Manor.

7. *Prima facie*, there are certain discrepancies in the statements of Indrajeet, Santosh Shetty and Laxmidhar Raut with respect to the presence of the applicant. As far as Santosh Shetty is concerned, he has not named the applicant and no identification parade has been held. It is also pertinent to note that the DNA report received does not show that the dead body was of Sachin Mohite. The role of the applicant is similar to the other co-accused who have been enlarged on bail in particular co-accused – Satyakumar Bhagirati Panigrahi @Dhirenkumar Pille @Kumar has been enlarged on bail by this Court (Coram:Prakash D. Naik,J.) vide order dated

23rd January, 2019 passed in Criminal Bail Application No.2997 of 2018.

8. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/-, with one or two local solvent sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Sunday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicant 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 shall inform his latest place of residence and mobile contact number 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 to cooperate with the conduct of the trial;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court within two weeks of his release;

(vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

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

REVATI MOHITE DERE, J.