

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

BAIL APPLICATION NO.622 OF 2020

Kautik Kailash Hajare

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

Mr.Arjun i.b Mr. Sujay Prabhu, Advocate for Applicant.
Mr. H. J. Dedhia, A.P.P. for the State-Respondent.

**CORAM : PRAKASH D. NAIK, J.
DATE : 23RD JUNE, 2021**

PC.

1. The applicant is arrested in connection with C.R. No. I-306 of 2018 registered with Manpada Police Station for the offences punishable under Sections 307, 352, 341, 506 read with 34 of Indian Penal Code. The First Information Report (for short 'FIR') was registered on 06.06.2018 by Lalchand Shripat Patil.

2. According to the complainant, on 05.06.2018 he was informed by one of his relative that Jayesh Patil (injured) is lying at Manpada in the injured condition. The complainant and his friends visited the place where the injured was lying. The injured informed him that Sujit Datilkar had assaulted him with knife

and the other persons accompanying him had also assaulted him with the help of sticks. The statement of the injured was recorded on 26.06.2018. In the said statement he has attributed prime role to Sujit Datilkar having assaulted him with knife and also alleged that the applicant had caught him at the time of assault. Similar role also attributed to accused Tejas Datilkar.

3. Learned counsel for the applicant submitted that the applicant is entitled for bail on the ground of parity. Co-accused Tejas Datilkar, who was attributed similar role, has been granted bail vide order dated 24.03.2021. The applicant is in custody for more than two years.

4. I have perused the order dated 24.03.2021 passed by this Court in bail application No.1611 of 2020 preferred by Tejas Datilkar. While granting bail, it was observed that perusal of the statement of injured shows that in 2017 there was a quarrel between him and co-accused Sujit Datilkar. In the said quarrel he had slapped Sujit. Thereafter, Sujit threatened him. It was observed that the injury certificate of the injured referred to multiple injuries which was caused by Sujit Datilkar. The

accused Tejas Datilkar had allegedly caught held Jayesh (injured) alongwith other accused and thereafter Sujit Datilkar had assaulted him with knife. He had no criminal antecedents. Thus, the overt act attributed to the applicant and co-accused who has been granted bail by this Court is similar. The applicant has no criminal antecedents. The applicant is in custody for two years. Hence, case for grant of bail is made out.

ORDER

- (i) Bail Application No.622 of 2020 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. I-306 of 2018 registered with Manpada Police Station on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall report Manpada Police Station, Mumbai, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further orders;
- (iv) Applicant shall not enter the jurisdiction of Umbharli Village, where the injured resides, till the conclusion of the trial;
- (v) The applicant shall inform his latest place of residence and mobile contact number immediately after being

released 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;

(vi) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

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

(xi) The applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/- for a period of 8 weeks in lieu of sureties.

(x) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)