

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

BAIL APPLICATION NO. 1071 OF 2021

Ajay Anand Kudake ... Applicant

V/s.

State of Maharashtra. ... Respondents.

Mr. S.P. Parulekar, advocate for applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV.

DATE : APRIL 19, 2021.

P.C.

1 Heard the learned Counsel for the applicant through video conferencing and learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant is seeking enlargement on bail in C.R. No. 480 of 2019 registered at Yerwada Police Station, Pune on 3/7/2019 for the offence punishable under section 307, 323, 504, 143, 147, 148, 149 read with section 34 of the Indian Penal Code. The

applicant herein has been shown as arrested on 15/7/2019.

3 The first informant happens to be the Superintendent of Yerwada Central Prison. On 3/7/2019 he lodged a report at the police station alleging therein that at about 6.30 a.m. on 3/11/2019 there was a quarrel amongst inmates of Yerwada Central Prison. The applicant was in custody in Sessions Case No. 134 of 2017 registered at Chaturshrungi Police Station, Pune for offence punishable under section 307, 326, 449, 504 read with section 34 of the Indian Penal Code, under section 2(25) of the Arms Act and under section 37(1) read with section 135 of the Bombay Police Act. It is alleged that while in prison, Mohd. Jamal Nadaf was attacked by Ganesh, Mangesh, Tushar, Deepak and the present applicant. The First Informant has attributed specific overt act to each of the accused. Learned APP submits that the investigation is completed and charge-sheet is filed in Crime No. 480 of 2019.

4 Learned Counsel for the applicant submits that although there are criminal antecedents, the applicant has been acquitted in most of the cases, especially in Sessions Case No. 134 of 2017, for

which he was in prison. It is also submitted that the injured had sustained only one grievous injury and the other injuries were in the nature of contusions and lacerated wounds. The learned Counsel submits that similar allegations were levelled against co-accused Shwetang Nikalje and that he has been enlarged on bail by this Court (Coram : Sarang V. Kotwal, J) vide order dated 8/2/2021. The applicant is lodged in Yerwada Central Prison even today.

5 Considering the nature of allegations and by virtue of doctrine of parity, the applicant deserves to be enlarged on bail. Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The applicant is directed to be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or more sureties in the like amount.
- (iii) The applicant shall report to the Yerwada Police Station on every Monday till framing of charge.
- (iv) The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)