

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

CRIMINAL BAIL APPLICATION NO.1368 OF 2021

Krishna Balasaheb Warpe

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kishan Chaudhari i/b Mr. Vishal L. Kolekar, for the Applicant.

Mr. A. A. Palkar, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th OCTOBER 2021

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. 293 of 2020 registered with the Lasalgaon Police Station, Nashik (Rural), for the alleged offences punishable under Sections 302, 307, 323, 143, 147, 149, 188, 269, 270 r/w 34 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act.
3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that this Court has enlarged identically placed co-accused – Firoz Shaikh and Rohit Shirsat, on bail, vide orders dated 18th

June 2021 and 17th August 2021 respectively. He submits that even the applicant is alleged to have assaulted the deceased – Chetan Bairagi, with fist and kick blows.

4. Learned APP does not dispute that the role of the applicant is similar to that of co-accused – Firoz Shaikh and Rohit Shirsat, who have been enlarged on bail by this Court.

5. Perused the papers. According to the complainant - Akash Shejwal, he and his friend – Chetan Bairagi returned to Lasalgaon at about 8:30 p.m on 16th June 2020. He has stated that whilst they were going towards Indiranagar, to his house, they saw 10 – 15 persons standing on the road. According to the complainant, the said persons allowed their car to proceed. The said persons were celebrating accused – Sahil Shaikh's birthday. It is alleged that when he took his car further, somebody pelted stones on his car, pursuant to which, he stopped his car and got down. It is alleged that accused – Arun Mali and Sahil Shaikh started assaulting him, pursuant to which, others also joined him. It is alleged by the complainant, that co-accused – Sahil Shaikh pulled out a knife and assaulted him on his waist and thigh and Sahil Shaikh and others assaulted his friend – Chetan. Chetan sustained injuries on his stomach. Pursuant thereto, both, Akash

and Chetan, visited the police station and thereafter, went to the Government Hospital, where Chetan was declared to be dead. The postmortem injuries of the deceased – Chetan shows that he had suffered six incised injuries and stab injuries, out of which one was abrasion over the waist and incised wounds and stab wounds on the abdomen and thigh. In the supplementary statement, the complainant has stated that Sahil Shaikh was armed with a sword used for cutting cake and that Arun was armed with a knife, and that both assaulted him and Chetan with the same. The others are alleged to have assaulted with fist and kick blows. There are statements of several eye witnesses and almost all the statements are consistent with each other. The role of the applicant is similar to that of co-accused – Firoz Shaikh and Rohit Shirsat, who have been enlarged on bail by this Court vide orders dated 18th June 2021 and 17th August 2021 respectively. Investigation is complete and charge-sheet is filed and as such further detention of the applicant is not warranted.

6. 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. 30,000/- with one or more local sureties in the like

amount;

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. till the conclusion of the trial;

(iii) 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;

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

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

(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 is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.