

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

CRIMINAL BAIL APPLICATION NO.1597 OF 2021

Vaibhav Vankat Nagzarkar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shailesh Kharat for the Applicant

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

***CORAM : REVATI MOHITE DERE, J.
FRIDAY, 17th SEPTEMBER 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. 312/2017 registered with the Phaltan Rural Police Station, Satara, for the alleged offences punishable under Sections 302, 364, 120B r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused-Sushilkumar Suresh

Shinde and Kalim Alam Shaikh have been released on bail by this Court vide orders dated 5th November 2019 and 2nd February 2021. He submits that the role of the applicant is identical to that of the said co-accused.

4 Learned A.P.P does not dispute the aforesaid.

5 Perused the papers. The prosecution case rests on circumstantial evidence. There is no recovery at the instance of the applicant. The only circumstance as against the applicant and other co-accused who have been released on bail, is that of last seen together with the deceased on the previous day i.e. on 2nd December 2017. It appears that the statement of Sunil Thakur-brother of the deceased was recorded. According to Sunil Thakur, the information that his brother-Sachin (deceased) was in the company of the accused, was provided to him by one Chikya. It is pertinent to note that the statement of Chikya has not been recorded. There is no corroboration to the said evidence. According to the learned counsel for the applicant, the applicant has no antecedents. The applicant is in custody since 16th December 2017. Similarly placed co-accused have been released on bail.

6 Considering the aforesaid, the applicant deserves to be 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. 25,000/- with one or two sureties in the like amount;

- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m, until further orders;

- (iii) The applicant, till further orders, shall stay outside the jurisdiction of Phaltan Rural Police Station, except for the purpose of attending the police station as directed vide clause (ii) above;

- (iv) 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;

- (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 not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

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

(viii) If there is 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.