

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2995 / 2019

Mr. Kiran Fakir DhanwateApplicant
V/s.

The State of MaharashtraRespondent

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Mr. Aabad Ponda, Senior Advocate i/by. Mr. Shailesh
Kharat, Advocate for the applicant.

Smt. Sharmila Kaushik, APP for State.

ASI, Mr. V.M. Kumbhar, Chakan Police Station (PCMC)
present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 17th February, 2021.

P.C. :

1. Heard learned Counsel for the applicant and
learned APP for State.

2. Applicant seeks bail in connection with Crime
No.I-166/2018 dated 16th February, 2018 registered with
Chakan Police Station, Pune for the offences punishable

under Sections 302, 307, 143, 147, 148 and 149 of the Indian Penal Code and Sections 3(1), 25(4)(1) of the Indian Arms Act. The applicant was apprehended on 2nd November, 2017. The investigation is over and the chargesheet has been filed.

3. I have perused the chargesheet.

4. The applicant is seeking bail on parity principle since six accused, out of seven, have been granted bail. I have perused the orders releasing the co-accused on bail.

5. Application has been opposed and it is submitted by learned APP that the applicant and the co-accused are not on equal footing, in the sense that the applicant pointed revolver at the head of the applicant but could not opened fire on the complainant and as such, the complainant could flee from his spot. It is thus contended that, co-accused who have been released on bail were not charged of offence punishable under Sections 307 of the Indian Penal Code. Besides, APP would point out that, there were no criminal

antecedents at the discredit of the accused who have been released on bail.

6. It may be stated that, the co-accused who have been released on bail were attributed the role of inflicting sickle blows on the deceased. Thus, the role attributed to the applicant and the co-accused is not different and in view of this fact, I have no reason to continue the custody of the applicant. The investigation in the case is over and chargesheet has been filed and it is informed by the learned APP that, till date, the charge has not been framed. It may also be stated that, order granting bail to co-accused has not been challenged by the State. Thus, I have to extend the parity principle to the applicant.

6. In consideration of the facts of the case and for the reasons stated, the application is allowed and he is directed to be released on bail on the following conditions :

O R D E R

- (i) The applicant arrested in Crime No. I-166/2018 registered at Chakan Police Station,

Pune, shall be released on bail on executing P.R. bond for the sum of Rs.30,000/- (Rs. Thirty Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the concerned Police Station twice a month i.e. second and fourth Monday between 11:00 to 1:00 p.m. till the charge is framed.

(iii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer forthwith within a week of his release from jail.

(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.

6. The application is accordingly allowed and disposed off.

7. It is made clear that, observations made hereinabove, shall be construed as expression of opinion for the purpose of granting bail only and the same shall not, in any way, influence the trial in other proceedings.

(Sandeep K. Shinde, J.)

Neeta
S.
Sawant

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signed by
Neeta S.
Sawant
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