

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.250 OF 2022**

Sharad Prakash Shete & Ors.	]	..	Applicants
vs.			
State of Maharashtra	]	..	Respondent

Mr.Shreyansh Sudhir Butala for Applicants.

Ms.P.N. Dabholkar, APP for the State.

API S.K. Gore, Manpada Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 25th AUGUST, 2022.

P.C.

1] Accused No.1 came to be arrested on 08.05.2021 and accused Nos.2 and 3 were arrested on 13.05.2021 in connection with CR No.I-219/21 which invoke offences under section 367, 326, 325, 324, 323, 143, 147, 149, 504, 506 of the Indian Penal Code.

On completion on investigation, charge-sheet has been filed before Session Court Kalyan. On the request of being released on bail rejected by the concerned Court, the Applicants have approached this Court.

2] Learned counsel has placed reliance upon the order passed by this Court in the case of co-accused on 1.12.2021, who was released on bail by recording that though the medial evidence/report of grievous injury to the victim Ranjit who was alleged to be kidnapped, there is no

medical evidence to support the case of prosecution that the complainant and his brother were also assaulted and they have suffered grievous injuries.

It is specifically recorded in the said order that the narration in the FIR by the complainant is somewhat exaggerated and by recording that charge under Section 326 of the Indian Penal code which provide punishment for life imprisonment of 10 years and fine and since investigation is over, the Applicant is entitled to be released on bail.

3] In the backdrop of the said order, when the role attributed to the present Applicants by the complainant in the charge-sheet is perused, it can be seen that the main conspirator, Sameer More who is alleged to have made demand of ransom from the victim Ranjit and when he failed to satisfy the said demand, he alongwith his friends is alleged to have kidnapped him and he was also assaulted. The narration in the complaint allege that accused Mahadeo Aarde and Kailash Pawar held his hand and the co-accused also abused him and assaulted him on his face, stomach, back.

It is alleged that accused No.6 handed over Katta (weapon) to More, who pointed the weapon at him and threatened and again reiterated his demand. It is alleged that after travelling from some distance, he was thrown out of the car. It is further narrated that Sachin jumped out of the vehicle and hit him with iron rod on his left leg.

4] In the wake of accusations, as far as present Applicants are concerned, prima-facie accusations under Section 326 of the Indian Penal Code cannot be made against the Applicants. It is observed in the order dated 01.12.2021 while granting bail to accused Sameer Dattaram @ Dattatray More that narrations in the FIR are exaggerated.

When the Medial report of the Rajesh Jha is perused, corresponding injuries are not noticed though there is reference of two fractures on the left and right side of the metatarsel base.

5] I see no reason why parity cannot be made applicable to the present Applicants, when the main accused is already released on bail. Hence, the following order :

ORDER

(a) Application is allowed.

(b) Applicants – Sharad Prakash Shete, Kailas Damu Pawar and Mahadeo Parshuram Aarde shall be released on bail in connection with C.R.No.I-219 of 2021 registered with Manpada Police Station on furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties of the like amount.

(c) The applicants shall report to the concerned Police Station on first Monday of trimester between 10.00 a.m. to 12.00 noon.

(d) The applicants shall not set their foot within the area Manpada Police Station except for attending the police station.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(e) The Applicants shall regularly attend trial, on every date, unless exempted.

[BHARATI DANGRE, J]