

● ● ● ● ● ● ● ●

● ● ● ● ● ● ● ●

previous enmity assaulted the deceased by koyata and stone and committed his murder.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

5. The learned counsel for the applicant has placed on record the copy of the order dated 28 February 2022 passed by this Court in Criminal Bail Application No. 2258 of 2021. By the said order this Court has released the co-accused Nikhil Seth on bail. The learned counsel for the applicant submits that the role attributed to the said co-accused Nikhil Seth and the present applicant in crime in question is identical. The learned counsel for the applicant thus submits that the applicant be released on bail on the ground of parity.

6. On the other hand, the learned APP submits that the present applicant assaulted the deceased brutally. It is submitted that considering the nature of offence the applicant may not be released on bail.

7. I have perused the statement of eye-witness- Robert Kitto. According to her co-accused Nikhil Seth assaulted the deceased by stone and present applicant assaulted by paverblock. It is thus apparent that the role attributed to both of them is identical.

Considering these facts, I am inclined to release the applicant on bail.
Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in in Crime No. 816 of 2018 registered at Bhosari police station for the offences punishable under Sections 302, 144, 147, 148, 149 of the Indian Penal Code and under Section 4 read with 25 of the Indian Arms Act and under Section 37(1), 137 of the Maharashtra Police Act on furnishing PR in the sum of Rs. 20,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Sunday between 10.00 a.m. to 1.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)