

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2487 OF 2021**

Nitin Ambadas Rajude	]	Applicant
Vs.		
The State of Maharashtra	]	Respondent

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Mr. Ashok S. Pandhare, for Applicant.

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

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CORAM : G.A. SANAP, J.

DATE : 6th MAY, 2022.

P.C.

1. The applicant is accused No.7 in C.R. No.293 of 2020 registered with Lasalgaon Police Station, Nashik under sections 302, 307, 323, 143, 147, 149, 188, 269, 270 r/w 34 of the Indian Penal Code and under section 4 r/w 25 of the Indian Arms Act. The applicant was arrested on 18th June, 2020 with other accused involved in the crime. An F.I.R was lodged by one Akash Shejval. The sum and substance of the F.I.R is that he and his friend Chetan Bairagi came back to Lasalgaon at 8.30 p.m from the village of the informant's wife. On the way while going by a car they saw a mob of 10 to 15 persons standing on the road. The informant blew the horn of the vehicle to disperse them from road. The persons were celebrating birthday of Sahil Shaikh, main accused in this crime. The informant and his friend proceeded in the car. Someone pelted stone on his car. He got down. Accused Arun Mali and Sahil Shaikh started beating them. Others joined them. Sahil inflicted knife blows on the waist and thigh of the informant. Sahil

assaulted informant's friend Chetan also. Role attributed to accused No.7 is that he along with accused No.2,4,5 and 9 gave kicks and fist blows.

2. In this application, it is stated that accused No.2,4,5 and 9 who have been attributed the similar role are ordered to be released on bail. It is stated that since role attributed to accused No.7 is similar, on the ground of parity, he is entitled for bail.

3. The Investigating Officer has filed reply and opposed the bail application. It is submitted that considering the serious nature of the crime, no case has been made out to grant bail on the ground of parity. The learned A.P.P submitted that in totality of the facts the Court may consider the same.

4. The applicant has placed on record copy of the order passed on 18th June, 2021 in Criminal Bail Application No.1409 of 2020 in case of Firoz Akbar Shah Vs. State of Maharashtra (Coram: Sarang V. Kotwal, J.). Firoz Akbar Shah is accused No.2 in this crime. Perusal of this order would show that in the backdrop of the facts and specific role attributed to Firoz Shah, he was found entitled for bail. Same is the case *qua* accused No.4, 5 and 9.

5. The learned A.P.P submitted that accused Arun Mali and Sahil Shaikh who inflicted blows with knife and sword on the informant and his friend deceased Chetan are in jail. Learned A.P.P submitted that the role attributed to Arun Mali and Sahil Shaikh is more serious. On going through the record, I am convinced that

accused No.7 in view of the role attributed to him is entitled to invoke the ground of parity with accused No.2,4,5 and 9. In view of the facts, I am inclined to grant bail to the applicant. Apprehension placed on record in the reply can be taken care of by imposing appropriate conditions. Hence, the following order.

: ORDER :

[1] In connection with C.R. No.293 of 2020 registered with Lasalgaon Police Station, Nashik, the applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rs. Thirty Thousand only) with one or two sureties in the like amount;

[2] The applicant shall not tamper the prosecution evidence.

[3] The application stands disposed of accordingly.

[G.A. SANAP, J.]