

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**BAIL APPLICATION NO.3012 OF 2021**

Aabid Sikandar Shaikh

...Applicant

vs.

The State of Maharashtra

...Respondent

**VISHAL  
SUBHASH  
PAREKAR**

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VISHAL SUBHASH  
PAREKAR

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Mr. Shailesh Chavan a/w. Mr. Sachin Arude, for the Applicant  
Mrs. M.R. Tidke, APP, for the State.  
Mr. Vinod Shendkar, PSI, Chakan police station present.

**CORAM : N. J. JAMADAR, J.**

**DATE : JUNE 27, 2022**

**P.C.:**

1. This is an application for bail in connection with C.R. No. 690 of 2015 registered with Chakan police station, Pune for the offences punishable under sections 302 and 120(B) read with 34 of Indian Penal Code, 1860 and section 4 read with 25 of Arms Act.

2. The application is preferred on the ground of parity. The applicant and the co-accused Dhanesh Temkar, Mahesh Botre and Nikhil Botre have been arraigned for the aforesaid offences for having entered into a criminal conspiracy and committed the murder of Harshal Borhade (the deceased) in pursuance of the said criminal conspiracy.

3. The gravamen of indictment against the applicant and the co-

accused is that Dhanesh had a grudge against the deceased as the later was close to Sunny Walke. On 18<sup>th</sup> December, 2015 while the deceased and Amol Londhe, the first informant were riding a motor-cycle to Mhalunge cross, a car driven by the applicant gave dash from behind. The co-accused Dhanesh alighted therefrom armed with sword. The applicant was also armed with an iron rod. The co-accused Dhanesh mounted assault by means of sword. The applicant and the rest of the co-accused also assaulted the deceased.

4. Parity is claimed on the ground that the principal accused Dhanesh was released on bail by the Supreme Court by an order dated 11<sup>th</sup> December, 2021 in Misc. Application No. 1925 of 2021 in SLP (Cri) No. 1901 of 2020. Consequent thereto the co-accused Mahesh was released by this Court by an order dated 9<sup>th</sup> March, 2022.

5. The applicant is in custody since 27<sup>th</sup> December, 2015 like the co-accused Mahesh. Since the principal accused and the rest of the co-accused have been released on bail primarily on account of the long period of incarceration, the applicant is also entitled to the same dispensation. Hence, the application for bail deserves to be

allowed on the ground of parity.

Thus, the following order.

**ORDER**

- 1] The application stands allowed.
- 2] The applicant be released on bail in C.R. No. 690 of 2015 registered with Chakan police station, Pune on furnishing a P.R bond in the sum of Rs. 25,000/- and one or two sureties in the like amount, to the satisfaction of the learned Additional Sessions Judge, Khed-Rajgurunagar, Pune.
- 3] The applicant shall regularly attend the proceedings before the learned Additional Sessions Judge.
- 4] The applicant shall furnish his residential address and contact details to the Inspector, Chakan police station within a period of eight days from his release and shall keep the police station updated about any change therein.
- 5] The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

**(N. J. JAMADAR, J.)**