

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3742 OF 2021

Vikram Ramesh Sakat .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr. Kalpesh U. Patil, Advocate for the Applicant.

Mr. A. A. Palkar, APP for the Respondent-State.

CORAM : VINAY JOSHI, J.

DATE : 27th APRIL, 2022.

P.C. :

. Heard.

2. The applicant is seeking regular bail in Crime No. 136 of 2019, registered with Aundh Police Station, District Satara, for the offence punishable under Sections 302 and 396 of the Indian Penal Code.

3. The bail is claimed on merits as well as on the ground of parity. The State opposed the bail application by pointing that the offence is of serious nature. At the instance of brother of deceased, the crime came to be registered against unknown persons. The deceased was salesman in bakery and at the relevant time he was proceeding by his vehicle. The applicant allegedly assaulted the deceased, caused him grave injuries and snatched mobile and cash amount of Rs.4,550/-. In the said assault deceased Raviraj succumbed to injuries, therefore, the offence of dacoity with murder.

4. The prosecution case is solely based on circumstantial evidence. It reveals from the police paper that knife used in commission of crime was seized from the co-accused. Though one sword was seized from the applicant, it was not used in the commission of crime nor it was sent for chemical analysis. It is a case of dacoity by unknown persons. *Prima facie* the presence of applicant on the spot, is in question. This Court has released three co-accused in Bail Application No. 2830 of 2020, Bail Application Nos. 3344 and 1182 of 2021 having similar role. Besides recovery, the prosecution is unable to point out any other material connecting the applicant with crime. Moreover, there is no distinguishing feature, so as to deny the rule of parity. Investigation is complete and charge-sheet has been filed. The applicant is in jail since 28th October, 2019. The trial will take its own time for disposal. Having regard to above facts, the applicant has made out a case for grant of bail. Hence, the following order:

ORDER

- i) The Applicant Vikram Ramesh Sakat is released on bail in connection with the Crime No. 136 of 2019, registered with Aundh Police Station, District Satara, for the offence punishable under Sections 302 and 396 of the Indian Penal Code, on his furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- ii) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.
- iii) The application is disposed in above terms.

(VINAY JOSHI, J.)