

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1487 OF 2022

Vishal alias Gaurav Vijay Gaikwad ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Satyavrat Joshi a/w. Mr. Nitesh Mohite i/b Mr. S.S. Pawar for the Applicant.
Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 18.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No.248 of 2017 registered at Vishrambag Police Station, Sangli for the offences punishable under Sections 302, 143, 147, 149, 323, 324, 341, 427, 504, 506 and 120(B) of the Indian Penal Code and Section 4 read with 25 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.
4. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record a copy of the order passed by this Court dated 20 December 2019 in Criminal Bail Application No. 2547 of 2019. By

the said order, this Court has released the co-accused Maajid @ Imran Majid Auti on bail.

5. I have perused the charge-sheet. According to the prosecution, on the date of incident which took place on 22 September 2017, the present applicant and other co-accused assaulted the deceased by some sharp weapon, iron rod, sticks etc. and committed his murder as he left the gang of co-accused Sachin Sawant and joined the gang of the complainant.

6. I have perused the statement of the complainant, who is an eye-witness to the incident. The allegations against the present applicant and the co-accused Maajid @ Imran Majid Auti, to whom this court has granted bail, are identical. Even otherwise, the applicant is in jail for about three years. There are no other criminal antecedents. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 248 of 2017 registered at Vishrambag Police Station, Sangli for the offences punishable under Sections 302, 143, 147, 149, 323, 324, 341, 427, 504, 506 and 120(B) of the Indian Penal Code and Section 4 read with 25 of the Arms Act and Section 37(1)(3) read with 135 of the Maharashtra Police Act on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]