

SATISH
RAMCHANDRA
SANGAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

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CRIMINAL BAIL APPLICATION NO. 3655 OF 2022

Aadarsh Hanmant Rankhambe

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr.Ajit J. Kenjale a/w Mr.Sai Kadam, Advocate for Applicant.

Mr.H.J.Dedhia - APP for the Respondent – State.

CORAM : S. M. MODAK, J.

DATED : 30th JANUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. There is an offence registered vide C.R. No. 257 of 2022 with Satara Taluka Police Station under Sections 307, 341, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, 1860 (45 of 1860). It was at the instance of the injured – Kaushal Laxman Bebale. There are two incidents. First incident took place on 9th June, 2022 at about 8.00 p.m. When the first informant was chitchatting to his friends near ice factory, the Accused No.1 – Prathamesh came there and threatened them. Thereafter, the main incident took place at about 9.45 p.m. The first informant was taking a round after the dinner. Three motor-cycles came in Ganesh square. The Accused No.1 – Prathamesh threatened him. When he was about to give a blow of a sickle on the first informant, somehow he intercepted. At that time, present Applicant gave a blow with the help of sickle on the head of the first informant – Kaushal from backside.

3. Other persons assaulted the first informant with kicks and blows and thereafter, they all ran away. The first informant lodged complaint and F.I.R. is registered. He was being treated at Shwas Specialty Hospital – Satara. There are grievous as well as simple injuries. There is also contused lacerated wound to his left parietal temporal region.

4. During interrogation, sickle is recovered from this Applicant. Now, the charge-sheet is filed and case is pending for enquiry and trial. Parity is sought because the main Accused Prathamesh is released on bail by this Court in Bail Application No. 3472 of 2022 on 11th January, 2023.

5. Learned APP submitted that the role of this Applicant is different and benefit of parity cannot be granted. He is right in his submission. Because, Accused Prathamesh though was possessing a sickle, he was not successful in giving a blow. Whereas, present Applicant had given a blow of sickle. By that it may as investigation is complete, I think that the Applicant also deserves to be released on bail, subject to certain conditions. Bail is rule and jail is exception. Hence, order :-

ORDER

- (i) Application is allowed.
- (ii) The Applicant-Aadarsh Hanmant Rankhambe be released on bail on furnishing PR bond and surety bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The Applicant is directed to give attendance to Satara Taluka Police Station on every Monday and Thursday from 10.00 a.m. to 12.00 noon for a period of six months from today.
- (iv) The Applicant shall not threaten the Prosecution witnesses.

- (v) The Applicant shall furnish permanent address and contact details to the Inspector of Police of the concerned Police Station and intimate the change, if any.
 - (vi) If any of the condition is breached, the Police is at liberty to apply for cancellation of bail and it will be considered on merits.
6. Application is disposed of in the aforesaid terms.
7. All the parties to act on an authenticated copy of this order.

(S. M. MODAK, J.)