

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 669 OF 2022**

Kishor @ Sainath Namdev Kurhade ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Shailesh Chavan a/w Mr. Sachin Arude for the Applicant.
Mr. S.S. Hulke, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 23 JANUARY 2023

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No. 296 of 2020 registered at Chakan Police Station for the offences punishable under Sections 302, 307, 324, 323, 504, 506 read with 34 of the Indian Penal Code.

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. The learned counsel for the applicant in support of the said ground has placed on record copy of the order passed by the Sessions Court dated 24 June 2020 in Criminal

Bail Application No. 215 of 2020. By the said order, the Sessions Court has released the co-accused- Sandesh @ Sunny Sunil Jadhav on bail.

5. I have perused the charge-sheet and more particularly the statement of eye-witnesses. According to the eye-witnesses, the present applicant assaulted the deceased by hockey stick and co-accused- Sandesh Jadhav assaulted him by iron rod. The learned APP submits that applicant may not be released on bail as the Sessions Court has released the co-accused Sandesh Jadhav on factually incorrect premise. However, the prosecution has not filed application for cancellation of bail. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 296 of 2020 registered at Chakan Police Station for the offences punishable under Sections 302, 307, 324, 323, 504, 506 read with 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not enter into the limits of Chakan Police Station.
- (iv) The applicant shall attend the police station within whose jurisdiction he is going to reside after his release on bail once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(N.R. BORKAR, J.)