

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.592 OF 2023

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Kundlik Rambhau Gaikwad

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Narayan G. Rokade with Mr. Udaysingh Deshmukh
with Ms. Pratibha Pawar with Mr. Narayan Rokade and
Mr. Ajinky Taskar for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 18, 2023

P.C.:

1. The applicant is seeking relief under section 439 of the Criminal Procedure Code, 1973 in connection with C.R. No. 191 of 2017, dated 8th June 2017, registered with Paud Police Station, Pune for offences under Sections 302, 307, 326, 324 read with section 34 of the Indian Penal Code, 1860.
2. The earlier Bail Application No.967 of 2018 filed by the applicant came to be withdrawn with liberty to file an application for expediting the trial. Learned advocate for the applicant submitted that the applicant was arrested on 13th June 2017. He placed reliance upon order of Hon'ble Apex Court in Special Leave to Appeal (Crl.) No.2977 of 2023. The Apex Court in paragraphs 2

and 3 has observed as under:

“2. Learned counsel for the respondent/State vehemently opposes the petition. He submits that apart from the eye-witness account there is recovery of sickle from the petitioner on a memorandum under section 27 of the Indian Evidence Act.

3. However, taking into consideration the fact that the petitioner has been incarcerated for a period of about six years, in that view of the matter, we are inclined to grant bail”.

3. Considering the reason assigned by the Hon’ble Apex Court and considering the fact that role attributed to the accused before the Apex Court was of assault by sickle and role attributed to the present applicant is of assault by axe, the applicant is deserves to be released on bail based on doctrine of parity. Hence, following order:

a) The applicant be released on bail in relation to C.R. No. 191 of 2017, dated 8th June 2017, registered with Paud Police Station, Pune for offences under Sections 302, 307, 326, 324 read with section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond in the amount of Rs.25,000/- along with one or two sureties in the like amount;

b) The applicant shall mark his presence before the concerned police station on first Saturday of every month between 11.00 a.m. to 2.00 p.m.;

c) The applicant shall remain present before the Trial Court on each and every date unless specifically exempted by the Court;

- d)** The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.
- 4.** The bail application stands disposed of in above terms.

(AMIT BORKAR, J.)