

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 717 OF 2023

Kiran G. Desai

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Satyavrat Joshi i/b Mr. Ashish Vernekar for the Applicant.

Mr. S.V. Gavand, APP for the Respondent/ State.

API Bharat Chandanshiv, Sinhgad Road Police Station present.

CORAM : N.R. BORKAR, J.
DATE : 11.10.2023.
(In Chamber)

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.419 of 2022 registered at Sinhgad Police Station, Pune for the offences punishable under Sections 302, 141, 143, 144, 147, 148, 149 of the Indian Penal Code (for short 'IPC'), Sections 4 and 25 of the Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act.
3. According to the prosecution, on the date of incident which took place on 25 September 202, all the accused were having party. They noticed the deceased around the place where they were partying. It is alleged that the accused assaulted the deceased as they thought him to be thief. It is alleged that the

deceased died due to said assault by the accused.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has produced on record copies of orders passed by this Court dated 11 September 2023 in Criminal Bail Application No. 1845 of 2023 and 13 September 2023 in Criminal Bail Application No.2036 of 2023. By the said orders, this Court has released the co-accused Prakash K. Kank and Umesh @ Pappu Shankar Ubale on bail.

6. I have perused the charge-sheet. The role attributed to the present applicant and co-accused, who are released on bail, appears to be identical. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No.419 of 2022 registered at Sinhagad Police Station, Pune for the offences punishable under Sections 302, 141, 143, 144, 147, 148, 149 of the IPC, Sections 4 and 25 of the Arms Act and Section 37(1) 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.

C] The applicant shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

D] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing the facts to Court or any Police Officer.

E] On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

[N.R.BORKAR, J.]