

AGK

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

**BAIL APPLICATION NO.870 OF 2023**

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Suresh Rajaram Kapse & Ors.

... Applicants

**V/s.**

The State of Maharashtra

... Respondent

Mr. Arbaz Pathan for the applicants.

Mrs. Rutuja Ambekar, APP for the respondent/State.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 17, 2023**

**PC.:**

**1.** This is an application under Section 439 of the Criminal Procedure Code, 1973 in connection with C.R. No.120 of 2022 of Adgaon Police Station, Nashik under Sections 302, 143, 147, 323, 504 read with Section 149 of the Indian Penal Code, 1860.

**2.** According to prosecution on 16 May 2022, the applicant along with other co-accused assaulted the deceased. Accused Vishal assaulted the deceased with wooden spade.

**3.** The role attributed to the present applicants along with one other accused Shobha Alias Alka Nivrutti Kapse is that they assaulted the deceased with fist and blows.

**4.** This Court in Bail Application No.3399 of 2022 has released Shobha Alias Alka Nivrutti Kapse on bail by order dated 6 February

2023. On perusal of the statements of eye-witnesses Somnath and Sindhu Kapse, the role of the applicant already released on bail is similar to the role of the applicants in the present bail application. The applicants are, therefore, entitled to the relief on the ground of doctrine of parity. Hence, following order:

- a) The bail application stands allowed;
- b) The applicants shall be released on bail in connection with C.R. No.120 of 2022 of Adgaon Police Station, Nashik under Sections 302, 143, 147, 323, 504 read with Section 149 of the Indian Penal Code, 1860 on furnishing P.R. Bond in the amount of Rs.25,000/- each along with one or two sureties in the like amount;
- c) The applicants shall attend concerned police station on first Saturday of each month between 11.00 a.m. to 2.00 p.m. till the conclusion of trial;
- d) The applicants shall remain present before the Trial Court on each date unless specifically exempted;
- e) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;
- f) 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;

5. The bail application accordingly stands disposed of. No costs.

**(AMIT BORKAR, J.)**