

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1734 OF 2022

Ashish Gautam Waghmare ... Applicant

Versus

State of Maharashtra and another ... Respondents

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Mr. S.T. Pandey alongwith Ms.Anima Mishra, Ms. Angela Singha, Ms. Kajal Upadhyay, Ms. Ritu Singh and Mr. Anuj Singh instructed by SBG Law for the Applicant.

Mr. S.S. Hulke, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 12 JANUARY 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No.35 of 2019 registered at Upnagar Police Station, Nashik for the offence punishable under Sections 302, 307, 143, 147, 148, 149, 323, 324 of Indian Penal Code, Sections 4, 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The bail is sought on the ground of parity. In support of the said ground, the learned Counsel for the applicant has placed on record a copy of the order dated 20 March 2020 passed by the Sessions Court below Exhibit-69 in Sessions Case No.237 of 2019. By the said order, the Sessions Court granted bail to the co-accused – Karan Kedare. The learned counsel for the applicant submits that the role attributed to the present applicant and the co-accused Karan Kedare is identical.

5. On the other hand, the learned APP submits there are eye - witnesses to the incident. It is submitted that considering the nature of offence, the applicant may not be released on bail.

6. I have perused the charge-sheet and statements of eye-witnesses. The role attributed to the present applicant and the co-accused Karan Kedare appears to be identical. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant - Ashish Gautam Waghmare be released on bail in Crime No.35 of 2019 registered at Upnagar Police Station, Nashik for the offence punishable under Sections 302, 307, 143, 147, 148, 149, 323, 324 of Indian Penal Code, Sections 4, 25 of the Arms Act and Section 135 of the Maharashtra Police Act on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.