

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3703 OF 2021

Shahrukh A. Kale ...Applicant

V/s.

The State of Maharashtra ...Respondent.

Mr. Rahul Soman a/w. Mr. Suyash More i/b Mr. Shriraj R. Wakale for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 13.04.2023.

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.345 of 2017 registered at Manchar Police Station, Pune for the offences punishable under Sections 394, 397, 457, 380 & 427 read with 34 of the Indian Penal Code.
3. It is the case of the prosecution that on the date of incident which took place on 23 October 2017 between 2:30 a.m. to 2:45 a.m., the present applicant and other co-accused had entered into the house of complainant with deadly weapons and committed robbery and while committing robbery they caused hurt to the son of the complainant.
4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
5. The bail is *inter alia* sought on the ground of parity. In support of said ground, the learned counsel for the applicant has placed on record copy of order dated 29 July 2021 passed by this Court in Bail Application No. 2316 of 2019. By the said order, this

Court has released the co-accused Deva @ Pawlya Kailas Kale on bail.

6. The role attributed to the said co-accused Deva Kale and the present applicant appears to be identical. The applicant is in jail for more than five years. 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.345 of 2017 registered at Manchar Police Station, Pune for the offences punishable under Sections 394, 397, 457, 380 & 427 read with 34 of the Indian Penal Code 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 4.00 p.m. till conclusion of the trial.

D] The prosecution is at liberty to file an application for cancellation of bail, if the applicant commits any other offence.

[N.R.BORKAR, J.]