



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

BAIL APPLICATION NO. 2551 OF 2023

GANESH SITARAM HAKKE .. APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Satyavrat Joshi i/b Mr. Samay Pawar, for the Applicant.
Ms. Veera Shinde, APP for the State.
PC-8295 Khade Kondhwa Police Station present.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 11, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 302, 504 read with 34 of the Indian Penal Code, section 37(1) read with section 135 of the Maharashtra Police Act, under section 25(4) of Arms Act, under section 7 of the Criminal Law Amendment Act registered vide C.R. No. 797 of 2022 with Kondhwa Police Station, Pune. The FIR is dated 04/08/2022.
- 3.** The applicant is the accused no. 4. Learned counsel submitted

that the co-accused no. 3 has been enlarged on bail with whom he is seeking parity. Heard learned counsel for the applicant on the ground of parity. On 06/09/2023, this Court enlarged the accused no. 3 on bail by passing the following order.

“1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 302, 120B, 506 read with 34 of the Indian Penal Code, under sections 4(25) of the Arms Act, under section 135 of the Maharashtra Police Act and under section 7 of the Criminal Law Amendment Act registered vide C.R. No. 797 of 2022 with Kondhwa Police Station. The date of the incident is 03/08/2022. The date of the FIR is 04/08/2022. The applicant is arrested on 04/08/2022.

3. There was some previous misunderstanding between the accused no. 1 and the deceased. The applicant is accused no. 3. On the date of the incident i.e. 03/08/2022, it is alleged that the accused no. 1, and other accused met the deceased. The deceased wanted to tender apology to the accused no.1 as regards the previous misunderstanding. All of a sudden, the accused no. 1 hit the deceased on his head with a sharp weapon (Palghan). The role assigned to the applicant is that though he had accompanied the deceased, he was standing with the friend of the deceased with his hand on his shoulder. There are no criminal antecedents reported against the applicant. No overt act is attributed to him. Considering the role of the applicant, the applicant can be enlarged on bail. The applicant is in custody from 04/08/2022, almost for the period of 1 year and 1 month. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Krushna Ganesh Marathe in connection with C.R. No.797 of 2022 registered with Kondhwa Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the investigating officer of the Kondhwa police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(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.

4. The application is disposed of.”

4. The investigating officer is present. Learned counsel for the applicant seeks enlargement of the applicant who is accused no.4 on the ground of parity. Learned APP on instructions of the investigating officer has pointed out that the role of the applicant is similar. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Ganesh Sitaram Hakke in connection with C.R. No.797 of 2022 registered with Kondhwa Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the investigating officer of the Kondhwa police station once in a month every first Monday

of the month between 11.00 a.m. and 1.00 p.m.

(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 from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(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.

5. The application is disposed of.

(M. S. KARNIK, J.)