

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4381 OF 2021

Sachin Popat Khalkar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Dinesh Adsule for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 6 FEBRUARY 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. 49 of 2019 registered at Yeola Taluka Police Station, Nashik Rural for the offence punishable under Section 396 of Indian Penal Code.

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

4. The case of the prosecution in brief is that the deceased Tulshiram Surase was working as a Watchman at a stone crusher owned by one Gadepatil at Khamgaon Shivar of Yeola Taluka. On 27 March 2019, the deceased did not

return home after the duty hours. The son of the deceased thus visited the stone crushing site and spotted footwear of his father near truck bearing MH-15/BJ-7895. He saw the dead body of his father-Tulsiram in the cabin of the said truck. He learnt that some unknown person had committed murder of his father and had stolen truck bearing No.MH-14 BJ 3055. Hence, he lodged the FIR pursuant to which C.R. No. I-49 of 2019 came to be registered at Yeola Taluka Police Station, Nashik for the aforesaid offence against unknown person.

5. In the course of the investigation, the Applicant was arrested. It is stated that some of the prosecution witnesses had seen the Applicant doing recce prior to the incident. The Applicant came to be arrested on 20 November 2019. It is stated that the TI parade was conducted on 16 December 2020 and that the Applicant has been identified by witnesses, who had seen him at the place of the incident prior to the incident. It is pertinent to note that main accused Ajay Nikam, against whom similar allegations are made has been released on bail by this Court by order dated 25 November 2021 in Bail Application No.284 of 2021.

6. Considering the above facts and circumstances and applying the principle of parity, the Applicant is entitled for bail on the following terms and conditions :-

- (i) The Applicant - Sachin Popat Khalkar be released on bail in Crime No. 49 of 2019 registered at Yeola Taluka Police Station, Nashik Rural for the offence punishable under Section 396 of Indian Penal Code on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall not tamper with prosecution evidence.
- (iii) The Applicant shall co-operate in expeditious disposal of the case.

(iv) The Applicant shall keep the Trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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PRASHANT
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