

PMB

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

BAIL APPLICATION NO.3624 OF 2022

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AVINASH BABU CHAVAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Balwant V. Salunkhe for the applicant.

Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 6, 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 C.R. No.I-104 of 2017 dated 13/03/2017 registered with Narpoli, Bhiwandi Police Station for the offence punishable under Sections 302, 307, 324, 452 read with Section 34 of the Indian Penal Code, 1860 and Sections 37(1) and 135 of Maharashtra Police Act.
- 3.** The date of the incident is 12/03/2017. The applicant was arrested on 13/03/2017.

4. Learned APP opposed the application for bail.
5. My attention is invited to the order dated 19/12/2022 passed by this Court in Criminal Bail Application No.3006 of 2022 whereby one of the accused Sagar Harilal Rathod was released on bail also on the ground that he is in custody for more than 5 years and there is no progress in the trial. The accused had assaulted the complainant and one Avinash. The main accused is Vijay to whom the stab injury is attributed. Sagar and Avinash are said to be holding iron rod and wooden stick respectively. Considering that the co-accused Sagar whose role is identical as that of the present applicant, on the ground of parity, even the present applicant deserves to be released on bail. For the same reasons recorded in the order dated 19/12/2022 in Criminal Bail Application No.3006 of 2022, the present application is allowed. Hence, the following order :-

ORDER

- (i) Criminal Bail Application No.3624 of 2022 is allowed.
- (ii) Applicant is directed to be released on bail in connection with C.R. No.I-104 of 2017 registered with Narpoli, Bhiwandi Police Station, Mumbai on executing

PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) Applicant is permitted to furnish cash bail security in the sum of Rs.25,000/- (Twenty Five Thousand Only) for a period of 6 weeks in lieu of surety.

(iv) Applicant shall attend concerned Police Station once in a month on first Saturday of month between 11.00 a.m. to 01.00 p.m. for one year and thereafter, once in a three months on first Saturday of month between 11.00 a.m. to 01.00 p.m. till further orders.

(v) The applicant shall not tamper with the evidence.

6. The Bail Application is disposed of.

(M. S. KARNIK, J.)