

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

BAIL APPLICATION NO. 3305 OF 2023

Pratik Suresh Waghare

....Applicant

Versus

State of Maharashtra

....Respondent

Ms. Shubhangi Parulekar, Advocate for the Applicant.

Smt. S. G. Talhar, APP, Advocate for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th MARCH, 2024.

P.C. :

1. By this application, applicant is seeking bail in Crime No.531 of 2017 registered with Pimpri Police Station, Pune for offences punishable under Sections 307, 120-B, 143, 147, 148, 149 of the Indian Penal Code, 1860, Section 4(25) of the Arms Act, 1959, Sections 3 (1)(i), 3(2), 3(4) of the Maharashtra Control Organize Crime Act, 1999.

2. It is contention of learned counsel for the applicant that

co-accused who are involved in present crime have been released on bail by this Court and trial Court. The role attributed to the applicant is on lesser footing in comparison with accused who have been released on bail. Hence, applicant is entitled for bail on principle of parity.

3. Learned APP, strongly objected to allow the application on the ground that there are serious allegations against the applicant and if, he released on bail, he may threaten the complainant and witnesses. Hence, requested to reject the application.

4. I have heard both learned counsel, perused the F.I.R. and charge-sheet.

5. Allegations against the applicant are that he along with other co-accused fired at complainant. Co-accused - Sachin Nade, Avinash Nade and Vijay Nade who alleged fired at complainant have been released on bail. The Vicky Sutar who is gang leader has been released on by this Court. As co-accused against whom same allegations are leveled like applicant has been released on bail.

Applicant is behind bar more than 6 years. Yet charge is not framed.

Applicant is entitled for bail on principle of parity.

6. In view of above, I pass following order.

ORDER

- (i) Applicant be enlarged on bail in Crime No.531 of 2017 registered with Pimpri Police Station, Pune, on executing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
- (ii) Applicant shall stay out of the jurisdiction of Pimpri Police station till conclusion of trial.
- (iii) Applicant shall furnish details of his residence to Investigating Officer and shall report the nearest Police Station where he would reside after being released on bail, once in a month on every first Saturday between 10:00 a.m. to 12:00 noon till further orders.
- (iv) Applicant shall attend Trial Court proceedings regularly unless exempted for some reason, and shall not tamper with evidence.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)