

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3303 OF 2023**

Sunny Suresh Barangale	...	Applicant
versus		
The State of Maharashtra		Respondent

Ms. Sana Raees Khan along with Mr. Aditya Parmar, Mr. Abhijeet Singh, Ms. Ruchita Rajpurohit and Ms. Sneha Mishra, Advocates for the Applicant.

Ms. S. G. Talhar, APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2024.

P.C. :

1. By this application, the application is seeking bail in Sessions Case No.184 of 2022 arising out of C.R.No.152 of 2021 registered with Bhore Police Station for offences punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC").

2. It is prosecution's case that on 2nd October 2021 at around 11.30 p.m. deceased -Anand Sagale was murdered by the applicant and co-accused. It is alleged that deceased – Anand Sagale was standing near Samrat Chowk, where the co-accused Sameer Maner, Amir Maner, Siddhant Borkar and applicant were consuming alcohol and beer. At that time, co-accused – Sameer Maner by putting his hand on the shoulder of

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the deceased asked him that he has become a big person. At that time, a quarrel started between deceased and co-accused - Sameer. In the said quarrel, applicant and co-accused-Siddhant Borkar caught hold of deceased and Amir Maner picked up a stone and assaulted the deceased. At that time, eye-witness Akash More, who was present there, ran away from the spot of incident. A complaint was lodged in the police station against the applicant and co-accused.

3. It is contention of learned counsel for the applicant that Siddhant Borkar, against whom the same allegations are levelled like applicant, has been released on bail by the Sessions Court, hence, the applicant is entitled for bail on principle of parity.

4. It is contention of learned APP that the stone used in the crime has been recovered at the instance of the applicant. The blood found on the stone is matching with the blood of deceased. If the applicant is released on bail, he may threaten the prosecution witnesses, hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet. The allegation against the applicant are that he and co-accused – Siddhant Borkar caught hold of deceased and co-accused-Amir Maner assaulted the deceased with stone. Siddhant Borkar has been released on bail by the Sessions Court. Hence, the applicant is entitled for bail on principle of parity.

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

ORDER

- (i) The applicant - Sunny Suresh Barangale be released on bail in Session Case No.184 of 2022 arising out of C.R.No.152 of 2021 registered with Bhore Police Station, Pune, on executing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
 - (ii) The applicant shall attend concerned police station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
 - (iii) The applicant shall not tamper with the evidence and/or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. The application is allowed in aforesaid terms and is accordingly disposed of.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)