

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3368 OF 2024

Shubham Sandip Thosar, Age 23 years,
Occ.Student, R/o.Pachpeer Chowk,
Aazad Colony, Kalewadi, Pimpri, Pune.
(Presently at Yerwada Central Prison). Applicant
versus
The State of Maharashtra Respondent

Mr.Shreyas PBaraswade, Advocate for Applicant.
Mr.Sameer M.Mangaonkar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 21st October 2024

PC :

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.117 of 2022 registered with Vadgaon Maval Police Station, Pune Rural, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 120B, 427 r/w 34 of Indian Penal Code r/w Section 4(25) of Arms Act.
3. This Court granted bail to the co-accused Yogesh Modak vide order dated 14th June 2024 in Criminal Bail Application No.362 of 2024 on the ground that there is nothing on record to show that the Applicant was present on the spot. Another reason was that statement of witness Baban was recorded after 16 days of the incident and test identification parade was not conducted. Here

learned counsel for Applicant seeks parity. Learned APP strongly opposed the application on the ground that there is CDR to show that Applicant was present at the spot.

4. Considering the reasons recorded by this Court while granting bail to the co-accused Yogesh and further noting the fact that three more co-accused were released by Sessions Court, I am of the opinion that parity will apply. Hence, I pass following order :

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No.117 of 2022 registered with Vadgaon Maval Police Station, Pune Rural, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 120B, 427 r/w 34 of Indian Penal Code r/w Section 4(25) of Arms Act on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall not enter into territorial jurisdiction of Vadgaon Maval Police Station, Pune Rural, till conclusion of trial, except for trial;
- (iv) The Applicant shall provide his address and name of nearby Police Station to the Investigating Officer and attend said Police Station on 1st and 16th day of every month between 10.00 a.m and 11.00 a.m till conclusion of trial, except on the date of trial;
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- (vi) Liberty is granted to the State for cancellation of bail if the applicant breaches any condition or misuses the liberty or commits

similar offence;

(vii) The applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)

MST