

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3628 OF 2024

Prem Sudhakar Pawar, Age 22 years,
Occ.Nil, R/o.Lokhande Mala, Behind Omkar
Service Centre, Nashik Road, Nashik.
(Presently lodged in Nashik Road
Central Prison).

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Vagal with Ms.Savvy Kolhekar and Mr.Kunal Pednekar,
Advocates for applicant.

Mr.Pankaj PDeokar, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 18th September 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.I-18 of 2022 registered with Upnagar Police Station, Nashik, for the offences punishable under Sections 302, 326, 323 r/w 34 of the Indian Penal Code r/w Rules 129/194(D), 128(1)/194(C), 3(1)/181 of Maharashtra Motor Vehicle Rules r/w Sections 50/177 of Central Motor Vehicle Act.

3. Having gone through the charge sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that the allegations against the Applicant is that while accused no.1 assaulted the deceased by floor tile, the Applicant and

co-accused Ramdas Shinde caught hold the deceased. The co-accused Ramdas Shinde has already been released on bail by this Court vide order dated 13th August 2024 in Bail Application No.2171 of 2024, considering the period of incarceration and the fact that further custody of the co-accused Ramdas is not required.

4. The role of Ramdas Shinde and the present Applicant is similar. Furthermore, the injury which was the cause of death, accused no.1 is the author of the same and not the Applicant. In that view of the matter I am of the opinion that Applicant is entitled for grant of bail on the ground of parity. Accordingly, 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.I-18 of 2022 registered with Upanagar Police Station, Nashik, for the offences punishable under Sections 302, 326, 323 r/w 34 of the Indian Penal Code r/w Rules 129/194(D), 128(1)/194(C), 3(1)/181 of Maharashtra Motor Vehicle Rules r/w Sections 50/177 of Central Motor Vehicle 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 the territorial jurisdiction of Upanagar Police Station, Nashik City, till the conclusion of the trial, except on the date of trial;
- (iv) The applicant shall provide his address and name of the nearby police station to the Investigating Officer, which he shall attend the said Police Station on 1st and 16th day of every month

between 12.00 noon to 2.00 p.m., till conclusion of the 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 to apply for cancellation of bail if the applicant 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