

VRJ

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

BAIL APPLICATION NO.2696 OF 2024

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Akshay Anil Salokhe Alias Mandlik ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Aditya S. Raktade with Mr. Niranjan Tiwari and
Anup Kamble for the applicant.

Ms. P. P. Bhosale, APP for the State-respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 7, 2025

P.C.:

1. This is an application under Section 439 of the Criminal Procedure Code, 1973, in connection with C.R. No.271 of 2022, dated 27 September 2022, registered with Laxmipuri Police Station, Kolhapur under Sections 302, 307, 323, 504 and 34 of the Indian Penal Code, 1860.

2. The prosecution case, in short, is as under:

3. On 27 September 2022, the informant Alankar Shivaji Giri, resident of Utareshwar Peth, Kolhapur, lodged a complaint with Laxmipuri Police Station. The informant stated that on the night of 24 September 2022, while returning home, he heard the sound of a quarrel. Consequently, he halted his motorcycle and approached the vicinity of Krishana Collection, where he observed two persons

waiting for an individual identified as Sagar Shirke. It was further reported that the assailants hurled abuses at Sagar and his associates, threatening his life before beating him, leaving him injured with a head wound on the road. Subsequent inquiries with the associates of Sagar revealed that the latter's name was Pradip Abitkar, who narrated the events that ensued. Initially, the informant's account was that of an accident, which led to the registration of C.R. No.271 of 2022 for offenses under Sections 302, 307, 323, 504 and 34 of the Indian Penal Code, 1860.

4. After the registration of Motor Accident Case No.6 of 2022, a spot panchanama was prepared and an investigation was duly conducted.

5. On 28 September 2022, the investigating authorities arrested Akshay Salokhe. A TI parade was subsequently conducted in jail, and following the death of Sagar, an additional charge under Section 302 was incorporated in the charge-sheet. The applicant had initially filed an application before this Court but subsequently withdrew the same, reserving his right to approach the Sessions Court. The Sessions Judge, by order dated 14 May 2024, rejected the applicant's bail application.

6. Learned counsel for the applicant has drawn this Court's attention to the order passed in Bail Application No.3219 of 2023, dated 7 March 2024, wherein bail was granted to a co-accused, who is alleged to have assaulted the deceased Sagar along with the applicant.

7. Given that the role assigned to Sourabh Sarnaik is analogous to that attributed to the applicant and that the evidentiary material against both is substantially similar, it is necessary that the applicant is entitled to be released on the ground of parity. The principle of equal treatment of co-accused, as recognized in judicial precedents, requires that no arbitrary distinction be drawn between the parties when the material evidence does not differentiate their respective roles.

8. Accordingly, the following order is hereby passed:

- i) The applicant, Akshay Anil Salokhe alias Mandlik, is released on bail in connection with C.R. No.271 of 2022, dated 27 September 2022, registered with Laxmipuri Police Station, Kolhapur under Sections 302, 307, 323, 504 and 34 of the Indian Penal Code, 1860, upon furnishing a personal bond in the sum of Rs.25,000/- along with one or two sureties of like amount, subject to the conditions set forth herein.
- ii) The applicant shall furnish a personal bond of Rs.25,000/- accompanied by his recent self-attested photograph, and one or two sureties of like amount, such bond and sureties to be acceptable to the satisfaction of the investigating officer.
- iii) The applicant shall appear before the investigating officer on the first day of each quarter of year between 11.00 a.m. and 02.00 p.m. starting from 1st March 2025 until the completion of the trial.

iv) The applicant shall not, either directly or indirectly, induce, threaten, or promise any witness acquainted with the facts of the case to dissuade them from disclosing such facts to the Court or to any police officer. Any such conduct shall be treated as a serious contravention of the conditions of bail.

v) The applicant is further directed not to obstruct or hamper the police investigation, nor to tamper with, conceal, or destroy any evidence that has been collected or is yet to be collected by the police.

vi) At the time of executing the bond, the applicant shall furnish his current residential address and mobile number to the investigating officer and the concerned Court, and shall not change his residence without prior intimation to these authorities until the final disposal of the case.

vii) Applicant shall regularly attend the proceedings before the jurisdictional court.

viii) The applicant shall not enter the Kolhapur District except for the purposes of reporting to the investigating officer or attending court proceedings in the Trial Court.

9. The bail application is thereby disposed of in the terms stated above. No costs.

(AMIT BORKAR, J.)