

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

CRIMINAL BAIL APPLICATION NO. 5032 OF 2024

Wasibkhan @ Tonu Rais Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Kuldeep Patil i/by Mr. Paras Yadav, Advocate for the Applicant.

Mr. T. G. Khan, A.P.P. for the Respondent – State.

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CORAM	:	N. R. BORKAR, J.
DATE	:	25th FEBRUARY, 2025

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 385 of 2021 registered with Chikali Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 302, 396, 347, 452 r/w Section 34 of the Indian Penal Code, 1860 (for short “IPC”).
3. According to the prosecution, on the date of incident which took place on 05.08.2021, the present applicant and other co-accused had entered into the house of the deceased

with a view to commit dacoity and while committing dacoity, committed the murder of the deceased.

4. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record the copy of order dated 12.11.2024 passed by this Court in Criminal Bail Application No.4110 of 2024. By the said order, this Court has released the co-accused Abdul Munaf Malik Ansari on bail.

5. I have perused the charge-sheet. The case is based on circumstantial evidence. The applicant is in jail for more than two and half years. The overt act attributed to the present applicant and the co-accused Abdul Munaf Malik Ansari appears to be identical. In that view of the matter, I am inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No. 385 of 2021 registered with Chikali Police Station, Pimpari Chinchwad, Pune for the offences punishable under Sections 302, 396, 347, 452 r/w Section 34 of the IPC on executing PR. Bond in the

sum of Rs.25,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station twice in a month on first and third Saturday of the month between 11:00 a.m. to 1:00 p.m. till conclusion of trial;

(iv) The applicant shall not tamper with the prosecution evidence.

(v) Application stands disposed of accordingly.

(N. R. BORKAR, J.)