

***IN THE HIGH COURT OF BOMBAY AT GOA***

**LD-VC-BA-13-2020**

DATTAPRASAD CHARI

**.... Applicant**

*Versus*

STATE OF GOA AND ANOTHER

**.... Respondents.**

Shri Vibhav Amonkar, Advocate for the Applicant.

Shri Gaurish Nagvenkar, Additional Public Prosecutor for Respondents no. 1 and 2.

**Coram : NUTAN D. SARDESSAI, J.**

**Date : 30<sup>th</sup> June, 2020**

P.C.:

Heard Shri Vibhav Amonkar, learned Advocate for the applicant and Shri Gaurish Nagvenkar, learned Additional Public Prosecutor on behalf of the State.

2. Shri Amonkar submitted that the applicant was placed under arrest on 12.07.2019 in the Crime No.168/2019 and has been in custody since the last several years in several offences including that under Section 307 of I.P.C. The investigation in the case is complete and chargesheet has been filed and the co-accused placed similarly like him has been enlarged on bail pursuant to the order of this Court dated 09.06.2020 and therefore on the ground of parity he too was entitled to the benefit of bail.

3. Shri Gaurish Nagvenkar, learned Additional Public Prosecutor on behalf of the State contended that the other applicant was found in possession of the pipe unlike the applicant now who was found in possession of a coita. There was no parity in the case of the applicant and that of the other accused and therefore he was not entitled to the benefit of bail.

4. i have considered the submissions and besides perused the order passed by this Court dated 09.06.2020 in which the other co-accused had been ordered to be enlarged on bail by subjecting him to certain terms and conditions. i find myself in agreement with the contention of Shri Amonkar that there is parity in the case of the applicant with that of the co-accused Yash Chari who was ordered to be enlarged on bail although the weapon of assault found with the present applicant differs from that found with the said Yash. That cannot be a distinguishing feature not to draw the grounds of parity to the case of the applicant.

5. In the circumstances and without adverting to the other merits of the case, i order the release of the applicant on bail on the following terms and conditions:

- a) He shall be enlarged on bail on executing bail bonds in the amount of ₹25,000/- (Rupees Twenty Five Thousand Only) and furnishing a local surety in coextensive amount to the satisfaction of the learned Additional Sessions Judge, North Goa, Panaji.
- b) He shall co-operate with the course of investigation and furnish his local address and details to the investigating officer and also to the Court.
- c) He shall not leave the State of Goa and the territorial

waters of India without the prior written permission of the Court concerned.

d) He shall not directly or indirectly influence the witnesses in this case or in any manner scuttle the trial as and when it is fixed.

e) The applicant shall ensure his presence at the trial on every date of hearing.

6. In these terms the application stands disposed off.

7. Parties to act on the basis of the authenticated copy of this order.

**Nutan D. Sardesai, J.**

msr.