

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

CRIMINAL APPLICATION NO. 4491 OF 2015

Ajay @ Ajaya s/o Raju Pimple

Age : 19 years, Occu. Labour,

R/o. Maroti Nagar, Shanti Chowk,

Kolpewadi, Tq. Kopargaon,

Dist. Ahmednagar.

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....
Mr Hemantkumar F. Pawar, Advocate for applicant
Mrs M. A. Deshpande, APP for respondent/State
.....

ALONG WITH
CRIMINAL APPLICATION NO. 4311 OF 2015

Kanna @ Karan Mahadeo Solunke,

Age : 35 years, Occu. Labour,

R/o. Fakirwadi, Ikbalan,

Kolthanwadi Road, Aurangabad.

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....
Mr Rahul Awasarmol, Advocate for applicant
Mrs M. A. Deshpande, APP for respondent/State
.....

CORAM : **INDIRA K. JAIN, J.**
DATE : **2ND DECEMBER, 2015.**

PER COURT:

. These are the applications for regular bail in Crime No. I-151/2014 registered at MIDC Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 395, 397, 109, 114, 120(B) read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

2. This Court vide order dt. 15.07.2015 had rejected the application for bail preferred by applicant Ajay @ Ajaya Raju Pimple. As there is no change in circumstance on merits, his application for bail cannot be considered.

3. The learned counsel for applicants submitted that one of the co-accused Kubdya has been released on bail vide order dt. 10.10.2014 by the Sessions Court in Criminal Application No. 1301 of 2014 and applicants be released on bail on rule of parity.

4. Learned counsel for applicant further submitted that at the time of previous bail application before this Court applicant Ajay was not aware of the order passed by the learned Additional Sessions

Judge, Aurangabad in respect to co-accused Kubdya and so applicant could not claim his release on the rule of parity.

5. In response to the submissions, learned APP Mrs M. A. Deshpande vehemently contended that applicant Ajay had moved an application before the Sessions Court in Sessions Case No. 285 of 2014 in which he claimed his release on the rule of parity. The learned APP submitted that applicant was very much aware of the order passed on application of Kubdya and statement made that he was not aware is totally incorrect and against the record. Learned APP also submitted that there is *prima facie* case against the applicants and considering their *modus operandi* applications be rejected.

6. The learned counsel for applicant Ajay fairly conceded that order passed by the learned Additional Sessions Judge shows that Ajay had claimed his release on bail on rule of parity and submits that for want of proper instructions due to inadvertence such statement was made.

7. Be that as it may, fact remains that similarly placed accused was enlarged on bail and so rule of parity comes to the

rescue of applicants. On the basis of rule of parity applications need to be allowed. Hence the following order.

ORDER

- (i) Criminal Application Nos. 4491 of 2015 and 4311 of 2015 are allowed.
- (ii) Applicants Ajay @ Ajaya s/o Raju Pimple and Kanna @ Karan Mahadeo Solunke are released on bail in Crime No. I-151/2014 registered at MIDC Waluj Police Station, Dist. Aurangabad, for the offences punishable under Sections 395, 397, 109, 114, 120(B) read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act on their furnishing PR and SB of Rs. 25,000/- (Rupees Twenty Five Thousand) each.
- (iii) They shall not tamper with the prosecution evidence and shall make themselves available as and when required by the Investigating Agency.

[INDIRA K. JAIN]
JUDGE