

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

CRIMINAL APPLICATION NO.4401 OF 2015

Parmeshwar @ Pamu @ Pramod
s/o Wamanrao Ambhore,
Age 30 years, Occu. Labour,
R/o Bhawani Nagar, Jalna,
District Jalna

..Applicant

Versus

The State of Maharashtra
through Taluka Police Station,
Jalna, District Jalna

..Respondent

Mr R.D. Biradar, Advocate for applicant
Mrs M.A. Deshpande, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th October 2015

PER COURT

Heard learned Counsel for the applicant and learned Additional Public Prosecutor.

2. The applicant is seeking regular bail in Crime No.160/2012 registered at Jalna Taluka Police Station, District Jalna, for offences punishable under Section 395 of Indian Penal Code and under Section 3 (1) (2) and 3 (4) of Maharashtra Control of Organised Crime Act, 1999.

3. It is the case of prosecution that there are in all four offences registered against the present applicant bearing Crime No.160/2012, punishable under Section 395, Crime No.163/2012 punishable under Section 379, Crime No.140/2007 punishable under Section 394 and

Crime No.335/2011 punishable under Section 392 of Indian Penal Code.

4. The applicant was detained on 10th October 2014 in the present crime.

5. Learned Counsel for the applicant would urge that the applicant is entitled for bail on the ground of parity, as according to him, two other accused who were arrested in the same crime are already ordered to be released on bail by this Court in Criminal Application No.3589 of 2014, decided on 5th August 2014 and Criminal Application No.5926 of 2014, decided on 1st December 2014. According to him, so far as the release of those two applicants is concerned, the present applicant is also entitled for bail on the ground of parity, as there is neither recovery of amount nor any weapon from the applicant.

6. Learned Addl.Public Prosecutor, while opposing the application has invited attention of this Court to the confessional statements, recorded by the Superintendent of Police of accused Bharat Chatrusing Tilware and Krishna Bhikulal Pawar wherein they have specifically named the present applicant as accomplice to the commission of crime. She would urge that the confessional statements since are not taken into account by the Court while ordering release of those accused persons in the above referred orders, the present application be rejected.

7. According to learned Additional Public Prosecutor, the bail application of Bharat Tilware was already dismissed as withdrawn, as this Court was not inclined to grant relief.

8. Having bestowed my anxious considerations over the issues sought to be canvassed, it is required to be noted that the Court, while granting bail in the applications of other co-accused was alive to the fact as regards the recovery of weapon and recovery of amount, as is apparent from the contents of order passed in Criminal Application No.3589 of 2014 and 5926 of 2014, cited supra. The above fact prompts this Court to believe that while passing the order of releasing the two accused namely Vijay and Sonu, the Court was aware of confessional statements, as those statements are very much in existence and were recorded prior to said order of the release of other accused persons.

9. In my opinion, the case of the present applicant is on better footing as has been observed herein above that nothing was recovered from the present applicant. As such I propose to pass the following order.

10. The applicant Parmeshwar @ Pamu @ Pramod Wamanrao Ambhore be released in Crime No.160/2012 registered at Jalna Taluka Police Station, District Jalna, for offences punishable under Section 395 of Indian Penal Code and under Section 3 (1) (2) and 3 (4) of Maharashtra Control of Organised Crime Act, 1999, upon furnishing

P.R. Bond of Rs.15,000/- (Rs.Fifteen thousand) with one surety in the like amount.

11. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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