

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

CRIMINAL APPLICATION NO. 6282 OF 2015

Maksud s/o Yusuf Shaha **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. M.S.Shaikh, Advocate for Applicant.

Mrs. M.A.Deshpande, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 17th DECEMBER, 2015

ORAL ORDER :-

. Here is an application for regular bail in Crime No. II-51/2015 registered at Shrirampur City police station, district Ahmednagar for the offences punishable u/ss 3,4,5 and 7 of the Immoral Traffic (Prevention) Act, 1956.

2. Heard Mr. M.S.Shaikh, learned counsel for applicant and Mrs. M.A.Deshpande, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. Learned counsel for applicant submits that co-accused Vasudeo Sukhdeo Awachar to whom similar role is attributed is released on bail by this Court vide

order dated 26/08/2015 passed in Criminal application No. 3834 of 2015 and on the ground of parity present applicant be also released on bail.

4. Learned A.P.P. submitted that so far as accused Vasudeo Awachar is concerned, there was no past antecedents but in case of present applicant two criminal cases have been registered, one u/s 376 of the Indian Penal Code and another u/s 354 of the Indian Penal Code and considering his past antecedents the rule of parity would not apply.

5. With the assistance of learned counsel for applicant this Court has gone through F.I.R. and the role attributed to present applicant and co-accused Vasudeo Sukhdeo Awachar. Both are similarly situated. So far as past antecedents are concerned the cases are still pending against the applicant.

6. As similarly placed accused is already released on bail this Court is inclined to allow the application on the rule of parity. Hence, the following order.

ORDER

(i) Criminal Application No. 6282 of 2015 is allowed.

- (ii) Applicant Maksud s/o Yusuf Shaha is released on bail in Crime No. II-51/2015 registered at Shrirampur City police station, district Ahmednagar for the offences punishable u/ss 3,4,5 and 7 of the Immoral Traffic (Prevention) Act, 1956 on P.R. and S.B. of ₹ 25,000/- [Rupees Twenty Five Thousand] each.
- (iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.
- (iv) Applicant shall attend concerned police station initially for a week and then as and when required by investigating agency.
- (v) In case second offence is registered against applicant under the same Act, prosecution shall be at liberty to move for cancellation of bail.
- (vi) Bail before the trial Court.

[INDIRA K. JAIN]
JUDGE