

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1215 of 2015

Rohit Ramesh Babar. s. ..Applicant.
vs,
The State of Maharashtra. ..Respondent.

Mr. A.P. Munderggi, Sr.Advocate with Jayant J. Dardeskar, Advocate
for the Applicant.
Mrs. P.P.Shinde, APP. for the State.

CORAM : A.S. GADKARI, J.
16th October, 2015.

P.C. :

Heard learned counsel for the applicant and the learned
A.P.P. for the State.

2) This is an application for regular bail under Section 439 of the Criminal Procedure Code by the applicant in C.R.No.149/2013 registered at Sangli City Police Station under Section 302, 120B, 201 read with 34 of the Indian Penal Code and under Section 4, read with 25 and 27 of the Arms Act.

3) In the present crime the applicant is arrested on 29.11.2013. As per the charge sheet, prima- facie evidence against the applicant is in the form of an extra judicial confession given by co-

accused Onkar Jadhav to witness namely Abhishek Nair. The said statement of Abhishek Nair is recorded on 3.12.2013. There is also a statement of an iron smith who allegedly manufactured a sickle which was purchased by the applicant. The said statement is dated 5.12.2013. Learned counsel for the applicant submitted that the statement of iron-smith namely Vishal Pawar and the statement of Abhishek Nair wherein alleged extra judicial confession given by Onkar Jadhav (co-accused) are recorded after the arrest of the applicant. In the alleged extra judicial confession name of the present applicant has been mentioned as an co accused in the commission of the said crime. Learned Single Judge of this court (Smt. S.,S. Jadhav, J.) after taking into consideration the said extra judicial confession in the statement of Abhishek Nair with similar allegations and material against the co accused Rohit Jagdale was pleased to grant bail by order dated 11.3.2015. Learned A.P.P. with utmost fairness at her command conceded the fact that the present applicant is also similarly situated and the principle of parity applies to the present applicant also. Perusal of the record produced along with present application disclosed that except extra judicial confession made by the co accused impleading the present applicant and other accused persons, prima facie there is no other incriminating material against the present applicant. It is a matter of record that the aforesaid two statements have been recorded after the arrest of the present applicant. In view of the above, the applicant is entitled for grant of bail on the principle of parity with accused Rohit Jagdale. Hence, the

following order.

ORDER

- a) The applicant is released on bail in CR No.149/2013 registered by Sangli City Police Station on his furnishing P.R. bond in the sum of Rs.15,000/- with one or two sureties in the like amount to make up the said amount.
- b) The applicant shall report to the concerned police station on first Sunday of every month till the conclusion of the trial.
- c) Application is allowed of in the aforesaid terms.

(A.S. GADKARI, J.)