

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 19 OF 2015

Mr. Nirmal S/o. Ishwarbhai Patel ... Applicant

VS.

1. The State of Maharashtra)
2. Union of India). Respondents

Mr. A.M.Saraogi, Advocate for the applicant.

Mr. D.A.Nalawade, P.P. a/w Mr. S.S.Pednekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 9th March, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C.

The applicant herein was arrested on 5.7.2014 in Crime No.157 of 2013 registered at Daman Police Station for the offence punishable under Sections 307, 302, 364 read with Section 34 of Indian Penal Code. The investigation is completed and charge-sheet is filed.

2. The learned counsel for the applicant submits that the co-accused in the present case i.e. Jiten @ Jitu Premabhai Patel, against whom there are similar allegations, has been enlarged on bail by this Court vide order dated 26.2.2015. The learned P.P. For respondent No.1 Shri D.A.Nalawade, fairly submits that the allegations and material against the present applicant are pari materia same as against Jitu Patel. It is true that the applicant was reported to be absconding for more than five months. However, the said aspect has to be considered at the end

of the trial under Section 8 of the Indian Evidence Act. The present applicant has also been arrested on the basis of the statement of the co-accused. In view of this, the applicant has made out a case for grant of bail by virtue of doctrine of parity.

3. The observations made hereinabove are prima facie in nature and shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) The application is allowed. The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) At the request of the learned counsel for the applicant, the applicant be enlarged on cash bail for a period of four weeks. The applicant shall furnish surety within four weeks after the date of release.

Application is disposed of.

(SMT.SADHANA S.JADHAV, J.)