

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 935 OF 2015

Bali @ Sanjay Kashinath Bhujare	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket Nikam, Advocate, for the applicant.
Mr. Y.M. Nakhwa, APP, for the State

CORAM: SMT. SADHANA S. JADHAV, J.
DATE : 10th August, 2015.

P.C.

Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 4.12.2014 in Crime No.124 of 2014 registered at Kasa Police Station, Palghar for the offence punishable under Sections 399, 307, 341, 402, 336, 427 read with Section 34 of Indian Penal Code.

2. The investigation is completed and charge-sheet is filed.
3. The learned counsel for the applicant, in the present case, submits that the applicant is basically seeking bail on the ground of parity. It is submitted that the name of the applicant is not mentioned in the first information report, but has surfaced in the supplementary statement which was recorded on the first day. According to the complainant, some of the

accused were intercepted on the spot, the other accused had fled away. Upon enquiry with the persons who were accosted on the spot, it was revealed that the present applicant is one of the accused who had intercepted the car of the complainant on the midnight i.e. in the night intervening 20th and 21st of August, 2014.

4. Upon perusal of the records, it appears that the accused against whom similar allegations are levelled have been enlarged on bail by this Court. By an order dated 21.1.2015, Ashraf Ahamad Shaikh, accused No.2 has been enlarged on bail by this Court (Coram: P.D.Kode,J.) in Bail Application No. 2676 of 2014. Thereafter, the application of Pradeep Laxman Shelke was allowed by the order dated 4.2.2015. Considering the doctrine of parity, the accused Anand Babu Deokar was enlarged on bail by this Court (Coram: Revati Mohite Dere, J.). It prima facie appears that the allegations against the present applicant are pari materia same as that which were levelled against Ahand Deokar and Pradeed Shelke. By virtue of parity, the applicant deserves grant of bail.

5. However, it is made clear that since the role attributed to the applicant is the same as that of the other accused and that all others are

enlarged on bail by this Court has considered the application only on the ground of parity. Hence, the observations made hereinabove 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.
- (ii) The applicant is enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the Kasa Police Station on first Sunday of each month till the conclusion of the trial.
- (iv) The applicant shall record his presence before the Sessions Court. In the eventuality that he fails to report on any two consecutive dates, the prosecution shall be at liberty to seek cancellation of bail.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)