

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1143 OF 2015

Anis s/o Iqbal Khan

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Brijesh Shukla for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 10th December 2015.

P.C.

1 The applicant is seeking bail in CR No.I-373 of 2014 dated 6.9.2014 registered with Waliv Police Station, Palghar under Sections 395 and 342 of the Indian Penal Code.

2 The learned Counsel for the applicant submitted that the two other co-accused namely Ayyas @ Babalu Hussein Qureshi and Rupesh Jaybhadur Singh have been released on bail by the Trial Court and therefore the principle of parity also applies to the applicant herein. The learned APP on the other hand submitted that though the role attributed to the present applicant is same and similar in nature as of other accused

persons mentioned hereinabove, there are two cases pending against him. She further submitted that the applicant has been identified in the Test Identification Parade. The learned Counsel for the applicant submitted that it is also in the case of Rupesh Singh wherein he was identified by the complainant in the Test Identification Parade. He submitted that the Trial Court while releasing on bail the said co-accused Rupesh has also taken into consideration the fact that there are antecedents against the said accused. He also drew my attention to the para no.4 of the said order dated 19.11.2015 passed by the Additional Sessions Judge, Vasai in the case of Rupesh Singh wherein the Trial Court has observed that there are about 10 crimes registered against the said accused and despite the said fact, the Trial Court has released the said co-accused on regular bail on the ground that apart from complainant identifying the said accused, no other specific role has been attributed to him.

3 I have perused the chargesheet annexed to the present application. I have also perused the orders passed in the cases of Ayyas @ Babalu Hussein Qureshi and Rupesh Jaybhadr Singh. In my view the principle of parity also applies to the present applicant in its totality. The applicant therefore deserves to be released on bail.

4 Hence, the following order:

- (i) The applicant shall be released on bail in CR No.I-373 of 2014 registered with Waliv Police Station on his furnishing PR Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant shall report to the Waliv Police Station on every first Monday of the month between 10.00 a.m. to 2.00 p.m.
- (iii) The applicant after release from jail, shall submit the document pertaining to his residential proof with the Investigating Officer and the Trial Court.
- (iv) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (v) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)