

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1937 OF 2014

Deepak Shivram Dalvi. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Sandesh More i/b. Mr. Keshavkumar L. Bhoyar, advocate for applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 14, 2015

P.C.:

1 Heard the learned Advocate for the applicant and the learned APP for State. Perused papers.

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 25/2/2014 Crime No. 25 of 2013 registered at Sinner Police Station for offence punishable under Section 395, 397 read with Section 34 of the Indian Penal Code and Section 3 read with 25 of the Arms Act.

3 It is the case of the prosecution that a complaint was lodged at the police station on 30/1/2013 wherein Car No. MH 05 R 3829 was hired by co-accused for going to Shirdi from Thane. It is alleged that on the way, the person who had hired the car i.e. Bhau Rajdatta Bhaurao Rane had directed the driver to stop the car. After the car was stopped, the accused persons are alleged to have threatened to the driver on the point of pistol. Thereafter, they had snatched cash of Rs. 1300/- and cell phone from driver and had stolen Tavera car. The said car was found in abandoned condition.

4 The co-accused have been enlarged on bail by the Sessions Court. The car was not seized at the instance of the present applicant. The said car was seized from village Makhamalabad, Nashik. There is no seizure of any stolen material at the instance of the applicant under Section 27 of the Indian Evidence Act. The learned Counsel for the applicant submits that in similar set of facts, co-accused have been enlarged on bail by the Sessions Court. The applicant claims parity.

5 It is true that by an order dated 25/7/2014 the Additional Sessions Judge has enlarged the co-accused on bail. By virtue of doctrine of parity, the applicant would also be entitled to be enlarged on bail.

6 The observations made herein above are prima facie in nature. The same shall not be considered while deciding application for discharge or for quashing of FIR or at the time of trial.

7 Hence, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) 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.

(iii) The applicant shall report to the concerned police station on first Sunday of every month between 10 a.m. to 12 noon till the conclusion of the trial.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)