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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION No. 2458 of 2014

Sukhdev Rakhmaji Tambe ..Applicant.

Vs

The State of Maharashtra ..Respondent.

Shri Abhishekh Yende for the applicant.

Smt. A.A. Mane, APP for the State.

CORAM : A.R. JOSHI, J

DATE : 13th MARCH, 2015

P.C. :

1) Heard learned counsel for the applicant in this repeated bail application preferred by the applicant accused. Earlier bail application was rejected on merits by this Court vide order dated 9th January, 2014. The charge levelled against the applicant is for the offence punishable under Section 395 of the Indian Penal Code. All the details, as to how the offence was committed, were mentioned in the earlier order of this Court dated 9th January, 2014. Only plea raised now before this Court is the plea of parity as another co-accused has been released on bail by this Court (Coram : A.M. Thipsay, J) vide

order dated 10th June, 2014. In fact, when the earlier order was passed rejecting the bail application of the present applicant, all the material available against the present applicant was discussed and more so it was held by this Court that the applicant was not entitled to be released on bail. At that time, the investigation was already over and also there were two criminal cases pending against the applicant, being C.R No. 350 of 2012 (under section 392, 34 of the IPC) and C.R.No. 345 of 2012 (under section 380 of the IPC). Though the another co-ordinate Bench had granted bail to the other co-accused, in the considered opinion of this Court, this cannot be considered as parity, once this Court had dealt with the merits of the case as against the present applicant while rejecting the earlier bail application. Hence, criminal bail application is dismissed and accordingly disposed of.

(A.R.JOSHI, J.)