

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2281 OF 2015

Hussain Kasim Kapadiya	..Applicant
-Versus-	
The State of Maharashtra	..Respondent

WITH

BAIL APPLICATION NO.2282 OF 2015

Hussain Kasim Kapadiya	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr.B.B.Tiwari I/b. BBT Legal for applicant
Ms.S.S.Kaushik, APP for State.
Mr.B.S.Sayyed, P.I. D.B.Marg Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 21st November 2015.

P.C.

1] The applicant is seeking bail in C.R.No.241 of 2015 and 240 of 2015 respectively registered with D.B.Marg Police Station under section 364(a), 307, 342, 387, 365, 468, 471 and 114 of I.P.C.

2] The role attributed to the applicant in the entire crime is that

when the principal accused had detained the victim and were beating him, the applicant though was aware of the said fact did not intervene in the matter and did not try to extend any help to the victim/ victims.

3] As per the F.I.R. Irfan and Imran are the main accused persons who had illegally detained the victims and thereafter by administering threat and beating the victims tried to extort huge amounts from them. Learned Counsel for the applicants has placed on record the order of the learned trial court dated 9th November 2015. By the said order, the trial court has released the main accused persons viz., Imran and Irfan Namakwala. It is contended that the role attributed to the present applicant is much lesser than the role attributed to the said accused persons. Learned Counsel, therefore, submits that the principle of parity is applicable to the applicant in present case.

4] Learned APP after reading the order passed by the trial court dated 9th November 2015 fairly conceded to the said fact that parity is applicable to the applicant in both cases. Hence, following order:-

- (i) The applicant be released on bail on P.R.Bond of Rs.20,000/- in each case after furnishing one or two separate solvent sureties in the like amount;
- (ii) The applicant is directed to attend the I.O. of D.B.Marg Police Station on every Tuesday between 10.00 a.m. and 12.00 noon till the filing of charge sheet;
- (iii) The applicant shall not tamper with and/or influence the prosecution witnesses.
- (iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J)