

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2329 OF 2015

WITH

BAIL APPLICATION NO.2330 OF 2015

Balram Sumair Yadav and anr.

..Applicants.

VS.

The State of Maharashtra.

..Respondent.

.....

Mr. H.H. Ponda i/by Husen Shaikh for the Applicant.

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

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CORAM : A.S. GADKARI, J.**DATE : 4th December, 2015.****P.C. :**

The applicants are seeking bail in CR 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 the I.P.C.

2) The role attributed to the applicants in the entire crime is that when the principal accused had detained the victim and were beating him, the applicants though were 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 FIR 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 had 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 applicants 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 applicants 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 applicants in both cases. Hence, the following order.

ORDER

- (i) The applicants be released on bail in CR No.241/2015 and 240/2015 registered with D.B. Marg Police Station on PR bond of Rs.20,000/- in each case after furnishing one or two separate solvent sureties in the like amount;
- (ii) The applicants are directed to attend the Investigating Officer 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 applicants shall not tamper with and/or influence the prosecution witnesses.
- (iv) Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)