

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.350/2015

(Samshekha s/o Ibrahimkha Pathan ..vs.. The State of Maharashtra, through PSO
P. S. Arni, Tq. Arni, Dist. Yavatmal.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. J. Shinde, Advocate for applicant.
Mr. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 2, 2015.

By the present application, the applicant is seeking pre-arrest bail since he is apprehending arrest in connection with Crime No.148/2015, registered with Police Station, Arni, Dist. Yavatmal for an offence punishable under Section 406, 420 read with Section 34 of the IPC and Section 11 of the Chit Fund Act, 1982. The FIR is lodged by one Taskil Vakil Shaikh against the present applicant and his two sons. The allegation in the FIR is that the applicant, along with his two sons used to run and operate a scheme known in common parlance as *Bhisi*. According to the FIR, the amount of *Bhisi* used to be distributed to the persons who are not members of the said group and thus the first informant is cheated. It is to be noted that the learned Additional Sessions Judge has already granted the relief of pre-arrest bail

in favour of Abidkhan Samsherkhan whereas the other accused Rizwankhan is released on regular bail.

The nature of the prosecution accusation made against the present applicant and the said Abidkhan are identical. They stand on the same footing. It is further to be mentioned here that this Court had on 22.07.2015 has granted ad interim relief in favour of the present applicant and till date, there is no complaint by the prosecution that the applicant has misused the liberty granted to him.

In that view of the matter, I see no reason as to why benefit of parity should not be extended in favour of the present applicant. That leads me to pass the following order.

ORDER

- (i) Criminal Application No.350/2015 is allowed.
- (ii) Interim order dated 22.07.2015 passed by this Court stands confirmed.

JUDGE