

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

Criminal Application (BA) No. 722 of 2015
Sanjay v. State of Maharashtra

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

Court's or Judge's orders.

Mr A.A.Mardikar, Adv for applicant.
Mr S.S.Doifode, APP for respondent-State.

Coram: V. M. Deshpande, J
Date : 26th October 2015

1. Heard Mr A.A.Mardikar, learned counsel for applicant and Mr S.S.Doifode, learned Additional Public Prosecutor for respondent-State.
2. By the present application, the applicant is seeking his enlargement on bail since he is arrested in connection with Crime No.48/2013 registered with Police Station, Sihora, District Bhandara for the offences punishable under Sections 302, 460, 397, 201, 353, 120B read with Section 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the investigation is over. Charge-sheet is also filed. It is his submission that applicant can be released on bail. It is his further submission that out of three accused persons who are charge-sheeted by Sihora Police Station, one accused by name Jagdish is already released on bail by this Court by order dated 19th December, 2014 passed in Criminal Application (BA) No.759 of 2014. According to him, case of the said applicant is at par with the present applicant. Therefore, he submits that applicant is entitled to be released on bail on the principle of parity.

4. First Information Report was lodged against unknown person by Avinash, son of deceased Hiralal Hedau. Hiralal was licensed money-lender. The charge-sheet shows that there were about 1500 account holders with Hiralal and their golden ornaments were pledged with Hiralal. According to the prosecution case, the applicant along with co-accused was found to be loitering near Bank of India by Sagar Bhande, Police Constable who was on patrolling duty. That time, he noticed that those three persons were having one suitcase and other articles and he noticed that their clothes were blood-stained. When he tried to make enquiry, the persons tried to make assault on said Police Constable and thereby tried to make assault on said Police Constable and thereby tried to prevent him from discharging his official duty. According to the charge-sheet, during the course of investigation, the present applicant has made disclosure statement leading to recovery of various golden articles worth Rs.27 lacs as also the other articles.

Further, the test identification parade was held and in the said test, PC Sagar Bhande who noticed three unknown persons loitering near Bank of India and who tried to make assault on him, has identified the present applicant.

5. The submission of learned counsel for the applicant that application needs to be allowed on parity in view of the order of this Court in Criminal Application (BA) No.759 of 2014 granting bail to co-accused Jagdish, is highly misplaced. Learned counsel for applicant has made available to me copy of order dated 19th December 2014 passed in Criminal Application No.759 of 2014. The said order clearly shows that it was not brought to the notice of this Court while considering the said application that the co-

accused Jagdish was duly identified by PC Sagar Bhande. Therefore, the said aspect was not at all considered by this Court while releasing the co-accused Jagdish on bail. In that view of the matter, applicant is not entitled to get benefit of the principle of parity.

6. Looking to the seriousness of the crime, I see no reason to exercise discretion in favour of the present applicant. Application is rejected.

Judge

joshi