

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO. 1194 OF 2016

Bapu s/o Jalindar Kale and anr.

...Applicants

VERSUS

The State of Maharashtra

...Respondent

.....

Shri A.N.Nagargoje, advocate for applicants

Shri S.D.Ghayal, A.P.P. for respondent/State

.....

CRIMINAL APPLICATION NO. 1342 OF 2016

Balaji @ Punya s/o Appa Shinde

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....

Shri D.H.Jadhawar, advocate for applicant

Shri S.D.Ghayal, A.P.P. for respondent/State

.....

CRIMINAL APPLICATION NO. 1343 OF 2016

Anil @ Balyya s/o Shahu Pawar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....

Shri D.H.Jadhawar, advocate for applicant

Shri S.D.Ghayal, A.P.P. for respondent/State

.....

CORAM : INDIRA K.JAIN, J.

DATED : 29th April, 2016

ORDER :

Applicants in these three applications seek their enlargement on bail in Crime No. 144 of 2014, registered at Bhada police station, Taluka Ausa, District Latur, for the offences punishable under Sections 3(1)(i)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999.

2] Heard learned counsel for parties. Perused papers of investigation.

3] Learned counsel for applicants submitted that co-accused Mahaveer, Yuvraj, Sharad, Ravi and Laximan have been released on bail by this Court vide orders dated 28.10.2015 and 17.2.2016 passed in various Criminal Applications. Learned counsel submitted that the case of applicants is on better pedestal and on the rule of parity they deserve their release on bail.

4] On merits it is submitted on behalf applicants that there was no recovery from the applicants. In the crimes registered against them also there was no recovery at their instance. Learned counsel for applicants submits that case against co-accused Mahaveer and Yuvraj is on higher footing as there was recovery from these co-accused. Since they have been enlarged on bail learned counsel submitted that on the rule of parity applicants be enlarged on bail.

5] Learned A.P.P. strongly opposes the application and submits that applicants were identified in the test identification parade held before the Magistrate. Number of offences were registered against them. Learned A.P.P. submitted that to prevent such crimes in future it would be essential to reject the applications.

6] With the assistance of the learned counsel for parties this Court has gone through the papers annexed to the charge sheet. It can be seen that similarly placed accused persons against whom also number of offences were registered in the past have been enlarged on bail. The charge sheet would further indicate the recovery at the instance of co-accused who have been released on bail by the orders of this Court.

7] Under these circumstances without going into further merits, this Court finds that on the rule of parity applicants deserve their enlargement on bail. Hence the following order.

ORDER

(i) Criminal Application Nos. 1194 of 2016, 1342 of 2016 and 1343 of 2016 are allowed.

(ii) Applicants are released on bail on P.B. and S.B. of Rs.25,000/- each.

(iii) Applicants shall not tamper with prosecution evidence and shall make themselves available as and when required.

(iv) Bail before the Trial Court.

[INDIRA K.JAIN, J.]

dbm/crap1194.16