

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.254 OF 2016

Manja Malaya Gauda .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH

CRIMINAL BAIL APPLICATION NO.483 OF 2016

Bablu Tulla Yadav .. Applicant
Versus
The State of Maharashtra .. Respondent

Mrs.Anjali Patil with Mr.Arun Rajput, Advocate for the applicants.

Mrs.Rutuja Ambekar, APP for the Respondent State.

CORAM : PN. DESHMUKH, J.

DATED : 22nd JUNE 2016

P.C. :

1 Both these applications since are arising out of same Crime No.302 of 2015 registered by Nagpada Police Station for the offences punishable under Sections 376, 370(3), 343 read with Section 34 of the IPC and Sections 4, 5, 6 of Immoral Traffic (Prevention) Act, are decided and disposed off by this common order.

2 Heard learned counsel for the parties.

3 It is submitted on behalf of the applicants that role attributed to both the applicants i.e. Manja and Bablu is similar with that of co-accused Ganesh who is released on bail by the trial Court, and Raju who is released by this Court.

4 Applicants have thus prayed for their release on bail on the ground of parity along with other co-accused.

5 On perusal of FIR, it appears that, in all, 10 accused are involved in the present crime wherein charge-sheet is filed. The applicants are accused nos. 3 and 1 respectively. From the contents of the FIR lodged by Police Constable attached to Social Service Branch, involvement insofar as the applicants are concerned is identical with that of co-accused who are released on bail to the effect that applicants along with said Ganesh and other accused were guarding complainant turn by turn so as to detain her in the room and to not to run out of the premises.

6 Similarly from the statements of victim similar facts are emerged as even she has stated that applicants along with co-accused Ganesh and Raju were turn by turn guarding the room where she was detained.

7 In that view of the matter, *prima facie* it is found that the role attributed to applicants is similar in nature as of co-accused.

8 Moreover, having considering documents that there is nothing to establish involvement of either of the applicant to have committed rape upon the victim.

9 Applications are liable to be allowed as per order below.

O R D E R

i) The applicants be released on bail on their executing Personal Bond in the sum of Rs.30,000/- each with one surety each in like amount.

(ii) On their release on bail, applicants shall mark their presence before the trial Court on a fixed date and shall not tamper with the witnesses.

(iii) In addition to marking his attendance before the trial Court, applicants shall mark their presence with Nagpada Police Station on the first day of each month for six months.

(PN. DESHMUKH, J)