

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.509 OF 2016

RAJU @ DEEPAK SARJU THAKUR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Shri P.R.Dave, Advocate for the Applicant.

Smt.Rutuja Ambekar, APP for the Respondent - State.

CORAM : P. N. DESHMUKH, J.

DATE : 8th JUNE 2016.

P.C. :

1 Heard the learned counsel for the parties. The applicant who is involved in Crime No.302 of 2015 registered on 17th July 2015 with 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, has sought bail.

2 The learned counsel for the applicant has stressfully contended that the application is liable to be allowed on the doctrine of parity, in view of the order passed by this court on 1st February 2016 granting bail to accused Ganesh Rajjat and in support of the said contention has invited my attention to the document on record.

3 From the perusal of record it appears that in all 10 accused are involved in the present crime wherein charge-sheet is filed and out of the same, three accused are released on bail by the trial court, while accused Ganesh is released by this court on bail. The applicant is accused no.4. From the contents of the FIR lodged by Police Constable attached to Social Service Branch, involvement in so far as the applicant is concerned is identical to that with of co-accused Ganesh who is released on bail to the effect that applicant along with said Ganesh and two other accused Bablu and Manja were guarding complainant turn by turn so as to detain her in the said room and to not to run out of the premises.

4 Similarly from the statement of victim similar facts are emerged as even she has stated that applicant along with co-accused Ganesh and two other co-accused were turn by turn guarding the room where she was detained.

5 In that view of the matter it is prima facie found that the role attributed to co-accused Ganesh and to the applicant is similar in nature.

6 Apart from above, it is further found that the trial court has misread the statement of the victim by holding that applicant has committed rape with her. Infact, from the statement of the victim it is found that apart from applicant Raju @ Deepak Sarju Thakur there is other accused who is named as Raju Anthony Crasto alias Raju Crasto and who, according to the statement of victim, along with co-accused Suresh and Matlu subjected her to sexual intercourse and sold her for prosecuting prostitution. As such, it is noted that from the documents made

available there is nothing to establish that applicant has committed rape of victim, while his case is found to be similar to the case of accused Ganesh.

7 The application is therefore liable to be allowed on the ground of parity as per the order below :

- i) The applicant be released on bail on his executing Personal Bond in the sum of Rs.30,000/- with one surety in like amount.
- ii) On his release on bail, applicant shall mark his 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, applicant shall mark his presence to Nagpada Police Station on the first day of each month for six months.

(P N. DESHMUKH, J.)