

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 741 OF 2016

Mr. Prashant J. Pandey vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. E.B.Dixit for the Applicant.

Smt. J.S.Lohokare, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 14th October, 2016

P.C.

1. This is an application under section 439 of the Cr.P.C. for bail in CR No. I-68-2015 dated 1.7.2015 registered with Kasa Police Station, District Palghar under Sections 341, 342 and 395 of the Indian Penal Code.

2. Heard the learned counsel for the applicant and the learned APP and also perused the entire charge sheet annexed to the application.

3. The learned counsel for the applicant submitted that in the present crime all the accused persons are apprehended by the police on the spot. However, the prosecution did not conduct the test identification parade of accused Nos. 1 to 4. He submitted that the role attributed to the applicant is same and similar to that of accused Nos. 1 to 4. He further submitted that except the

fact that a knife has been recovered at the instance of the applicant under Section 27 of the Evidence Act there is no difference in the role played by the applicant and other accused persons in the present crime. He submitted that the accused No.s 1 to 4 have been released on bail by the trial Court and the principle of parity is squarely applicable to the applicant. He therefore prayed that the applicant may be released on bail.

4. Per contra, the learned APP vehemently opposed the application. She submitted that the applicant has been identified in the test identification parade and a knife is recovered at the instance of the applicant. She however, fairly conceded to the fact that, there are no antecedents at the discredit of the applicant.

5. After perusing the orders passed by the Trial Court granting bail to the accused Nos. 1, 2 and 4, I find substance in the arguments of the learned counsel for the applicant, that, ground of parity is applicable to the present applicant. There are no antecedents at the discredit of the applicant. The applicant is arrested on 3.7.2015 and since then he is in jail. The police have already completed the investigation and submitted the charge sheet. In view of the above, the applicant has made out a case for his release on bail.

6. Hence, the following order.

a) The applicant be released on bail in CR No.68/2015 registered with Kasa Police Station, District

Palghar on his furnishing PR bond of Rs.30,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail the applicant shall attend the Kasa Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m. till the conclusion of the trial.

c) The applicant shall also attend all the dates before the Trial Court.

d) Any two consecutive defaults in attending the Trial Court shall attract the proceedings under Section 439(2) of the Cr.PC.

e) After his release from Jail the applicant shall furnish his permanent residential address and the address where he resides in Nalasopara to the Investigation Officer and/or to the Kasa Police Station.

f) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)