

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1324 OF 2016

Rohan Chandrakant Gaykar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Aniket Vagal, Advocate for the applicant.

Mr. Vinod Chate, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.

DATE : 18th November, 2016.

P.C.

Heard. This is a subsequent application. The earlier application filed by the present applicant was rejected by this Court on 20.7.2015. At that stage, the matter was argued on merits. This Court had taken into consideration the Judgment of the Hon'ble Apex Court in the case of **State of Maharashtra vs. Vishwanath Maranna Shetty** and had expressed an opinion that in the present case, it would be difficult to record a subjective and objective satisfaction that the applicant may not commit any offence or similar offence if enlarged on bail. This Court had therefore held that the applicant would not be entitled to be enlarged on bail by virtue of doctrine of parity.

2. As on today, the learned counsel for the applicant vehemently submits that by an order dated 9.5.2016, the co-accused have been enlarged on bail by this Court (Coram: Mrs.Mridula Bhatkar, J.) and, therefore, it is once again reiterated that by virtue of doctrine of parity, the applicant is entitled to be enlarged on bail. The Court has to be consistent with its own view. Once this Court has held that there are fetters on granting bail to the accused being charge-sheeted under MCOCA, after taking into consideration the guidelines given by the Hon'ble Apex Court, at this stage, it would not appropriate to enlarge the applicant on bail by virtue of doctrine of parity which was also considered in the previous application. Hence, the application being sand merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)