

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1333 OF 2016

Kalpesh Ramkrishna Sevak	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr. S. R. Phanse for the Applicant.
Ms. S. S. Kaushik, APP for the State.

CORAM : A.S. GADKARI, J.
DATE : 7th OCTOBER 2016.

P.C. :

. This is an application under section 439 of the Code of Criminal Procedure, 1973 by the applicant in C.R. No. 484/2015 registered with Bhoiwada Police Station, under sections 420, 465, 466, 468, 471, read with section 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicant, the learned APP and also perused the copy of the charge-sheet annexed to the present application.

3. It is the precise allegation of the prosecution that the applicant along with other two co accused persons assured the victim/first informant and other victims for giving job in a Government Department and, particularly, as Police Sub Inspector. That the applicant and the other co-accused after accepting huge amounts from the victims, gave fake appointment letters to some of the victims. The first informant namely, Kanifnath Dahale realised the fact

that the assurance given by the accused persons in the present crime was a false assurance and they have been duped for valuable consideration under the guise of providing service in the Government Department, the first information report is lodged. The police, thereafter conducted the investigation and after completion of investigation have submitted the final report as contemplated under section 173 (2) of the Code of Criminal Procedure.

4. The Learned counsel for the applicant submitted that the role attributed to the present applicant in the present crime is same and similar as has been assigned to co-accused Vaibhav Koli who has been granted bail by this Court by its order dated 29/8/2016. The Learned APP on instructions submitted that she fully concede to the said factual aspect.

5. In view of the above, parity is applicable to the applicant with co-accused Vaibhav Koli. The applicant has therefore made out a case for his release on bail.

Hence the following order:-

ORDER

(a) The applicant shall be released on bail in CR No.484 of 2015 registered with Bhoiwada Police Station, on his furnishing a P.R. bond of Rs.50,000/- with one or two solvent local sureties in the like amount;

(b) After his release from jail, the applicant shall attend Bhoiwada 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 each and every date before the trial Court, without any excuse;
- (d) Any two consecutive defaults in complying with the aforesaid conditions shall attract the provisions of Section 439(2) of the Cr.P.C.
- (e) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses;
- (f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)