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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1352 OF 2016

Anthony Tayappa Jagli

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Vinod Kashid for Applicant.

Ms. N.S. Jain APP for State.

CORAM: A.S. GADKARI, J.

DATE : 17th October 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.305 of 2015 registered with Sion Police Station, Mumbai under Sections 307, 324, 341, 504, 141, 142, 146, 148, 149 read with 34 of the Indian Penal Code and under Section 37(1)(a), 135 of the Maharashtra Police Act.

2 Heard the learned counsel for the applicant, the learned APP and also perused the Order passed by the learned Additional Sessions Judge, Greater Mumbai dated 11th May 2016.

3 The learned counsel for the applicant submitted that the co-accused namely Mubarak J. Shaikh has been released on bail by the learned Additional Sessions Judge, Greater Mumbai by its Order passed below Exhibit-3 dated 11th May 2016. He submitted that the role played by the applicant is same and similar as ascribed to the co-accused Mubarak J. Shaikh. He therefore submitted the applicant is entitled for bail on the ground of parity.

 The learned APP on instructions fairly conceded to the said factual aspect of the matter. However, she submitted that the applicant has been also attributed with the role of instigator in the present crime as the applicant instigated the other accused person to assault deceased Biru Saude.

4 I have perused the Order passed by the learned Additional Sessions Judge, Greater Mumbai dated 11th May 2016 and the first information report. I have also perused the statements of the witnesses annexed to the application. After perusing the said documents, it is clear that the principle of parity is squarely applies to the present applicant qua Mubarak Shaikh. In view of the same, the applicant has made out a case for his release on bail on the ground of parity.

5 Hence, the following Order:

(i) The applicant/accused in CR No. 305 of 2015 registered with Sion Police Station, Mumbai be released on bail on his furnishing PR bond in sum of Rs.50,000/- with one or more sureties in the like amount and on the condition that he shall attend the concerned Police Station on every 5th day of each month between 10.00 a.m. to 12.00 noon till the conclusion of trial.

(ii) The applicant shall not attempt to influence the prosecution witnesses or tamper with the prosecution witnesses.

(iii) The applicant shall not enter the area where the informant and witnesses are residing.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)