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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1441 OF 2016

Imran Anwar Qazi

..Applicant.

Vs.

The State of Maharashtra & Anr.

..Respondents

Mr. P.G. Pandey for Applicant.

Mr. A.S. Patil APP for State.

Mr. S.M. Jadhav, P.I., Dindoshi Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 26th September 2016.

P.C.

1 This is an application under Section 439 of Cr. P.C. for bail in CR No.497 of 2014 registered with Dindoshi Police Police Station, Mumbai dated 21.10.2014 under Sections 302, 324, 323, 506(2), 143, 144, 147, 148, 149, 201 of the Indian Penal Code and Sections 4 and 27 of the Arms Act.

2 This is the second bail application of the applicant. The earlier bail application preferred by the applicant was dismissed as withdrawn by an Order dated 23.11.2015 passed by this Court.

3 The learned counsel for the applicant submitted that after dismissal of his earlier application on 23.11.2015, the Trial Court has released the principal accused Soheli Salim Ansari (accused No.1) on bail by its Order dated 2nd August 2016. He submitted that the role attributed to the present applicant is much lesser than the role attributed to the principal accused Soheli Salim Ansari in the present crime. He submitted that the applicant is arrested on 22.2.2014 and since then he is in jail. He therefore submitted that the applicant may be released on bail on the same terms and conditions as has been imposed upon the principal accused Soheli Salim Ansari (accused No.1).

4 The Trial Court while releasing the accused No.1-Soheli Ansari on bail by its Order dated 2.8.2016 has observed in para-5 that the said applicant was arrested on 22.10.2014 and since then about two years have been lapsed. That the fatal blow on the deceased Ramesh was not given by the said applicant (i.e. Soheli Ansari) which has resulted into the death of Ramesh. The Trial is not yet commenced so far and it will take its own time to dispose off the said matter.

5 The role attributed to the present applicant in the crime is that he along with co-accused Yusuf had held deceased Ramesh when accused Soheli Ansari assaulted the deceased with sharp edged weapon. After

perusal of the entire evidence available on record, I find substance in the submissions made by the learned counsel for the applicant, that the role played by the present applicant is lesser than the role attributed to the principal accused Soheli Salim Ansari. According to me the principle of parity indubitably is applicable in the present case to the applicant. The applicant has thus made out a case for his release on bail.

6 Hence, the following Order:

(i) Applicant be released on bail, on furnishing Personal Bond of Rs.15,000/- with one or two solvent sureties in the like amount, alternatively, on his depositing cash surety of Rs.15,000/- provisionally for a period of one month, in Crime No.497 of 2014 registered with Dindoshi Police Station for offences punishable under Sections 302, 324, 323, 506(2), 143, 144, 147, 148, 149, 201, 34 of the Indian Penal Code and Sections 4 and 27 of the Maharashtra Police Act.

(ii) Applicant/accused shall not abuse his liberty either by intimidating prosecution witnesses or by indulging in alike offences.

(iii) Applicant/accused shall not enter into the vicinity where the complainant and witnesses reside, nor shall try to contact

or pressurize any of the witnesses acquainted with the facts of the case.

(iv) Applicant/accused shall remain present on all material dates of hearing without fail.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)