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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1485 OF 2016

Varun Sushil Gupta

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Deepak Pradhan for Applicant.
Ms. Rutuja Ambekar 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.I-130 of 2016 dated 23.8.2016 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane under Section 420 read with 34 of the Indian Penal Code.

2 Heard the learned counsel for the applicant, the learned APP and also perused the Order passed by the learned Additional Sessions Judge, Kalyan dated 23.8.2016.

3 The learned counsel for the applicant submitted that the co-accused namely Santosh Kadam has been released on bail by the learned Additional Sessions Judge, Kalyan in Criminal Bail Application No.1024 of 2016 by its Order dated 23.8.2016. He submitted that the role played by the applicant is same and similar as ascribed to the co-accused Santosh Kadam. He therefore submitted the applicant is entitled for bail on the ground of parity.

4 I have perused the Order passed by the learned Additional Sessions Judge, Kalyan dated 23.8.2016. It is to be noted here that the Trial Court while granting bail to the co-accused Santosh Kadam apart from merits of the matter, has observed that though there are other offences pending against the said co-accused, he cannot be further detained since the chargesheet is filed against him in the lower Court. The learned APP submitted that there are antecedents to the discredit of the applicant. However, as the Trial Court has released the co-accused Santosh Kadam on bail and the role played by the present applicant is same and similar as that of Santosh Kadam coupled with the fact that there are antecedents to the discredit of both the accused persons, the principle of parity is squarely applies to the present applicant. 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 Varun Sushil Gupta in CR No.I-130 of 2016 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane punishable under Section 420 read with Section 34 of the Indian Penal Code is directed to be released on bail upon his furnishing PR bond in sum of Rs.15,000/- with a surety in the like amount subject to following conditions.

(ii) The applicant/accused shall not either directly or indirectly contact the informant/complainant or any other witnesses in any manner whatsoever till the trial of the case is over, shall not attempt to influence the prosecution witnesses or tamper with the prosecution witnesses and shall not commit any offence or indulge in any prejudicial activity while on bail.

(iii) He shall not repeat such offence in future.

(iv) Breach of any of the conditions shall entail cancellation of bail.

(v) Bail before the learned JMFC Court, Kalyan.

(A.S. GADKARI,J.)