

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

CRIMINAL BAIL APPLICATION NO. 1951 OF 2016

Mr.Dehu Daku Hambir

... **Applicant.**

Versus

The State of Maharashtra

... **Respondent.**

Ms.Sandhya Mailagir i/b. Ms.Neesha Mailagir for Applicant.
Ms.N.S. Jain, APP for State.

CORAM : A.S. GADKARI, J.

DATE : 15TH OCTOBER, 2016.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail in CR.No.II-05/2016 dated 25/01/2016 registered with Vishnunagar Police Station, Dombivli, District Thane under Section 9, 39-A, 48-A, 49-B read with Section 50 and 51 of the Wild Life (Protection) Act, 1972.

2] The learned counsel for the applicant submitted that the accused No.1-Mahadev Shankar Warghade has been released on bail by this Court by its order dated 7th September, 2016. She submitted that there is no recovery at the instance of the applicant and the role played by the applicant in the present trial is much lesser than ascribed to the accused No.1- Mahadev Shankar Warghade. She therefore submitted that the principle of parity is applicable to the present applicant. The learned APP fairly conceded to the said contention.

2] Perused the Charge-sheet and the order dated 7th September, 2016 passed by this Court. I am of the view that parity is squarely applicable to the present applicant like accused No.1- Mahadev Shankar Warghade.

3] The applicant has thus made out a case for grant of bail. Hence the following order :-

- a) The applicant be released on bail in CR No.II-05 of 2016 registered with Vishnunagar Police Station, Dombivli on his furnishing a P.R. bond of Rs.25,000/- with one or more local sureties in the like amount;
- b) After his release from jail, the applicant shall attend Vishnunagar Police Station, Dombivli once in three months i.e. on every first Monday of the said month between 11:00 am to 2:00 pm;
- c) The applicant shall also attend all the dates before the trial Court;
- d) Any two consecutive defaults in complying with the aforesaid conditions will attract the provisions of cancellation of bail;
- e) The applicant shall not tamper with the evidence and/or influence the witnesses;
- f) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)