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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION No. 2458 of 2015

Dinesh Rajendra Prajapati                      ..Applicant.  
Vs  
The State of Maharashtra                      ..Respondent.

Mr Majeed Memon a/with Parvez Memon for the applicant.  
Mr Shishir Hirey, Spl. PP a/with S.S.Kaushik, for the State.

CORAM : A.S.GADKARI, J.  
DATED : 24<sup>th</sup> August, 2016

P.C.

1) The applicant-accused is prosecuted for the offences punishable under sections 304, 308, 336, 337, 338, 109, 119, 120B, 420, 465, 467, 468, 471, 427 and 37 read with section 34 of the Indian Penal Code and under section 13(1)(d) of the Prevention of Corruption Act. The offence is registered at C.R. No.I-63 of 2013 at Shil Daighar Police Station. The applicant is accused No.27. It is the case of the prosecution that the accused Nos.1 and 2 and other accused, who claim to be in the construction business, were not having any licence to construct. However, they constructed a building on City Survey No.98(1) (b) near Bhola's cow-shed in Lucky compound and the possession of the residential premises was given to the respective

purchasers. Thereafter, within 82 days, the entire 8-storied building collapsed when 74 persons died and 62 others were injured in that mishap. Therefore, the offence was registered against those builders and also against the public servants from the Corporation, who allowed them to construct the said illegal construction. Out of them, one Heera Sitaram Patil, who was a Corporator of Thane Municipal Corporation, as per the case of the prosecution, was bribed for not to raise any objection of the unauthorised construction. The applicant-accused is alleged to be an investor / financier to the builder (co-accused). The applicant-accused was absconding for two years. He surrendered on 17.7.2015 and is in prison since then. The charge-sheet is already filed.

2) The present applicant is accused No.27. The co-accused, namely, Laxman Rathod has been released on bail by this Court on 24/2/2016.

3) There is no dispute about the fact that the present applicant is similarly situated as that of Laxman Rathod. Indubitably, the principle of parity applies to the present applicant. It is pointed out by the learned counsel for the

applicant that accused No.26 Affan Farooque Raut has been released on bail by this Court by its Order dated 7/3/2016. The said accused was absconding for a period of about two years. It is to be noted here that except the present applicant, all other accused persons including Laxman Rathod who is similarly situated with the applicant has been released on bail by this Court.

4) In view of the above, the applicant is entitled to be released on bail.

ORDER:

(a) The applicant-accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.1,00,000/- with one or two solvent sureties in the like amount from the State of Maharashtra;

(b) The applicant-accused shall not indulge into any criminal activity and shall attend on all the Court dates;

(c) The applicant to cooperate with the conduct of the trial and attend the trial Court on every date of hearing;

(d) The applicant-accused shall not leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer along with documentary proof of his address;

(e) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

5) At this stage, the learned Counsel for the applicant-accused requests that it is difficult for the applicant-accused to furnish solvent sureties immediately and he may be released on a temporary cash bail of Rs.1,00,000/- and that he would submit solvent sureties within a period of six weeks from the date of his release from jail. In view of the same, the applicant is permitted to furnish cash bail for a period of six weeks and he shall comply with the procedure of furnishing sureties within the said period of six weeks.

6) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)