

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 195 OF 2016

(Purandar Ramshabad Yadav Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. S. Jaiswal, Advocate for the applicant.
Shri S. S. Doifode, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 20 JUNE, 2016

Heard.

The application has been vehemently opposed by the learned A.P.P. for the State. However, it is seen from the record that two of the co-accused, Nikhil Dagor and Lalit Turkel, who were, according to the prosecution, present at the spot and had also taken part in the alleged offence, had been released on bail by this Court vide orders passed on 25/02/2016 and 16/02/2016 respectively. Statement recorded on 13/02/2015 of one witness does not mention name of the present applicant. It is only the subsequent statement dated 21/02/2015, which makes a specific reference to this applicant. In these circumstances, the present applicant can be considered as similarly situated with the applicants, who have been released on bail by this Court earlier.

In the case of Sumeet Saluja Vs. State of U.P.
through CBI – 2010 Cri. L. J. 1435, the Hon'ble Apex Court has held that similarly placed co-accused deserves to be

released on bail. Earlier also, benefit of parity has been given by this Court in several cases including the case of Bharat Baburao Gavhane & others Vs. State of Maharashtra – 2007 ALL MR (Cri) 1554. Therefore, I am of the view that the present applicant is also entitled to be released on bail on the ground of parity.

Learned Counsel for the applicant has also referred to me the case of Ramesh Chander Singh Vs. High Court of Allahabad & another – 2007 (3) ALL MR 848. However, I have already taken a view that on the ground of parity, this applicant is entitled to be released on bail and the ratio of this case having been turned on different facts, would be of no use to the applicant in this case.

In the result, the application is allowed.

It is directed that the applicant Purandar Ramshabad Yadav be released on bail on his furnishing a P. R. Bond in the sum of Rs.25,000/- together with two local solvent sureties in the like amount. The applicant shall not leave the city limit of Nagpur city without prior permission of the Court. The applicant shall attend the Sessions Court on all the dates fixed in the matter and shall co-operate with the Court in expediting the trial of the case. The applicant shall not tamper with the prosecution witnesses.

Hamdast granted.

JUDGE