

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.33 OF 2017

Vishal s/o Govind Kharate,
Age: 21 years, Occ: Education,
R/o. Bhaskar Vasti, Tq. Kopargaon,
Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer
Kopargaon City Taluka Police
Station, District Ahmednagar
& anr ..RESPONDENTS

Mr A.D. Shinde, Advocate for applicant;
Mr S.D. Ghayal, Addl. Public Prosecutor for
respondents

CORAM : N.W. SAMBRE, J.

DATE : 21st FEBRUARY, 2017

ORAL ORDER :

In Crime No. I-190 of 2015, registered
with Kopargaon City Police Station, District
Ahmednagar, for offence punishable under Sections
307, 395, 120-B, 326, 148, 143, 147, 149, 504, 506
of the Indian Penal Code with Sections 3/25 and
4/25 of the Arms Act and Section 3(1)(ii), 3(2) and
Section 3(4) of the Maharashtra Control of

(2)

Organized Crime Act, 1999, the applicant is seeking regular bail.

2. Amongst other, grounds that are pressed into service by Mr. Shinde, learned Counsel for the applicant is that the applicant is also accused in Crime No. 168 of 2015, in which, he was arrested on 11th November, 2015. According to him, in the present crime i.e. Crime No. 190 of 2015, the applicant was shown to have arrested on 23rd November, 2015. He would then submit that after the arrest of applicant on 11th November, 2015 in Crime No. 168 of 2015, he was never released, as bail was not applied for. In the wake of above referred factual matrix, according to him, present applicant is shown to be falsely implicated and as such, entitled for bail. He would rely upon the order passed by this Court in the matter of Sagar Lokhande and Pawan Dibre, who are accused in the same crime, whose application for bail came to be allowed on 13th December, 2016 by this Court.

3. When confronted, learned Additional Public

(3)

Prosecutor does not dispute the above referred factual matrix i.e. arrest of applicant on 11th November, 2015 in Crime No. 168 of 2015 and then again arrest of applicant on 23rd November, 2015 in the present crime.

4. As such, inference that could be drawn is, the applicant is entitled for parity as his case appears to be similar to that of co-accused, who are ordered to be released on 13th December, 2016 by this Court.

5. Once the applicant was behind the bars in Crime No. 168 of 2015 on 11th November, 2015 and since he was not released on bail, this reference in the crime in question is not specific but in general. There is no specific role attributed to the applicant.

6. In view thereof, the application needs to be allowed. Hence, the following order is passed :-

(i) The applicant be released on bail in Crime No. I-190 of 2015, registered with Kopergaon

(4)

City Police Station, District Ahmednagar, for offence punishable under Sections 307, 395, 120-B, 326, 148, 143, 147, 149, 504, 506 of the Indian Penal Code with Sections 3/25 and 4/25 of the Arms Act and Section 3(1)(ii), 3(2) and Section 3(4) of the Maharashtra Control of Organized Crime Act, 1999, upon executing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the trial regularly before trial Court. Two consecutive absence of the applicant during trial will entail the trial Court to take out appropriate proceedings for cancellation of bail.

(iii) The applicant shall not influence the prosecution witnesses or tamper with evidence.

7. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)