

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1256 OF 2017

Jagdish Prem Singh Mevada ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.Abdul Karim N. Pathan, Advocate for the Applicant.

Mr.R.M.Pethe, APP for the Respondent/State.

Mr.Pradeep P. Raorane, PI, Charkop Police Station is present in person.

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CORAM : A.M.BADAR J.

DATED : 21th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.203 of 2015 registered with Charkop Police Station for offences punishable under Sections 395, 451, 170, 342 read with Section 34 and Section 120-B of the Indian Penal Code, by this application, is seeking his release on bail on the principle of parity.

2 Heard the learned Advocate appearing for the applicant/accused. He drew my attention to the Order dated 23rd January 2017 passed by this Court (Coram : Smt.Sadhana S.Jadhav, J.) in Criminal Bail Application No.1505 of 1016

(Shri.Paresh @ Paria Ramesh Goswami v. The State of Maharashtra) and argued that the role attributed to the present applicant in the crime in question is even lesser than that of Paresh. The learned Advocate submitted that except production of amount of Rs.1.90 Lakh by his sister-in-law Jaya before the police, while the applicant was detained in the police custody, there is no iota of evidence to connect the applicant to the crime in question.

3 The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious as accused persons including present applicant indulged in criminal conspiracy and by posing themselves as officers of the Income-tax Department, some of the accused persons indulged in dacoity and looted the amount about 1.65 Crore from the house of First Informant Jayantibhai Jadav Sarvayya.

4 I have carefully considered the rival submissions and also perused the entire charge-sheet.

5 I have also perused the Order dated 23rd January 2017 passed by this Court by which co-accused Paresh is released on bail. Evidence against said Paresh is of the recovery of Rs.1.70 Lakh as per his confessional statement recorded under Section 27 of the Indian Evidence Act. So far as present applicant is concerned, evidence against him is to the effect that on

19/06/2015, when the applicant was in police custody, his sister-in-law Jaya Anil Mevada appeared before police and produced an amount of Rs.1,90,000/- by stating that this amount was kept by the present applicant at his residential house.

6 Considering the fact that co-accused Paresh Goswami with similar accusation is released on bail by this Court, I see no reason to deny parity to the present applicant as there is no other material than what is pointed out in this Order against him. Therefore, the Order :

- (i) The application is allowed.
- (ii) The applicant/accused in Crime No.203 of 2015 registered with Charkop Police Station for offences punishable under Sections 392, 451, 170, 342 read with Section 34 of the Indian Penal Code be released on bail on his executing P.R.Bond of Rs.25,000/- with one or two local surety in the like amount.
- (iii) As a condition of this Order, the applicant shall not tamper with the prosecution evidence in any manner.

(A.M.BADAR J.)