

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1786 OF 2017

Tayabai Mohd.Hassan Sakur

..Applicant

Vs.

The State of Maharashtra

..Respondent

Smt. Naima Shaikh i/b Khan A. W. for Applicant.

Mr. Ajay Patil, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 19th September 2017.

P.C.

1] This is a second application for bail by the applicant. Earlier bail application was dismissed as withdrawn with liberty to file a fresh application for bail before the Trial Court, if the trial pertaining to CR No.188 of 2015 registered with D.B. Marg Police Station, Mumbai does not commence within a period of one year from date of said Order.

2] Applicant accordingly filed an application for bail below Exhibit-11. However, the Trial Court by an Order dated 4.7.2017 turned down the request for bail. The record indicates that by an Order dated 20th February 2017 passed by this Court in Bail Application No.1568 of 2016,

this Court granted bail to the principal accused namely Rinku R. Roy. It appears that the allegations as contemplated under Section 376 of the Indian Penal Code are alleged against the said accused Rinku Roy and the role attributed to the present applicant is that he was keeping watch from outside on the room when principal accused was committing the said offence. Prima facie it appears that the role played by the present applicant is lesser than that of the principal accused Rinku Roy who has been released on bail. The release of prime accused on bail is a change in circumstance for the applicant.

3] In view thereof, the present applicant is entitled to be released on bail on the ground of principle of parity.

Hence the following Order:

- (I) The application is allowed
- (ii) Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more local solvent sureties.
- (iii) Applicant shall report to the concerned Police Station on 1st and 3rd Sunday of each month till framing of charge.
- (iv) Application stands disposed off.

(A.S. GADKARI,J.)