

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1791 OF 2017

Vinodkumar Sabhajit Upadhyay .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. R. D. Soni i/b. Ram & Company, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 05.12.2017

P.C.

. This is an application under Section 439 of Cr. P.C. for bail in CR No. 159 of 2015 registered with Taloja Police Station, Navi Mumbai under Sections 395 & 365 of the Indian Penal Code.

2. The learned counsel for the Applicant submitted that co-accused namely Rakib Rafeeqali Shaikh has been released on bail by this Court. He submitted that the Applicant is similarly situated and is entitled to be released on bail on the ground of parity.

3. Perused the charge-sheet.

It appears that apart from the circumstances propounded against Rakib Shaikh by the prosecution, there is recovery of Red coloured Swift car at the instance of Applicant. However, it appears that

the evidence on record is silent about the fact that the said very vehicle was used in commission of the said crime. It is submitted by the learned counsel for the Applicant that there are no criminal antecedents against the Applicant.

4. In view thereof and after taking into consideration the fact that the Applicant is in jail since 29.11.2015, the Applicant can be released on bail.

Hence, the following order.

- (i) The Applicant-accused be released on bail on his furnishing P.R. Bond in the sum of Rs. 40,000/- (Rupees Forty thousand only) with two solvent local sureties in the like amount;
- (ii) The Applicant-accused shall not tamper with the evidence or pressurise the complainant or the witnesses;
- (iii) The Applicant-accused shall not indulge into any criminal activity and shall attend all the Court dates. The Applicant/accused shall also attend the concerned police station on the 1st Monday of the month;
- (iv) The Applicant-accused shall not leave India without prior permission of the trial Court and furnish his permanent address of native place and also temporary address, if he is residing in Maharashtra, to the Investigating Officer alongwith documentary proof of his address;
- (v) 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. Bail Application is disposed of in the above terms.

(A.S.GADKARI, J.)