

*Nalawade*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1812 OF 2016

Yogesh Amarsingh Thakur. ...Applicant.

vs.

The State of Maharashtra ...Respondent.

Mr.Nitin Shejpal for the Applicant.

Ms.Ashwini Takalkar, APP for the State.

CORAM : A.S. GADKARI, J.

DATE : 10<sup>th</sup> March,2017

PC:

This is the second bail application preferred by the applicant. The earlier application preferred by the applicant was dismissed as withdrawn by this Court by an order dated 4.2.2016 on the ground that the applicant was then also involved in CR No.406 of 2012 culminated in Cri. Case No.33/PW/2013.

2) The learned counsel for the applicant submitted that by an order dated 12.1.2017 the learned Metropolitan Magistrate, 53<sup>rd</sup> Court, Mulund, Mumbai was pleased to acquit the applicant from the said case and as of today

there are no antecedents at the discredit of the applicant. He further submitted that the co-accused namely Yoginder Rawat who is similarly situated as of the applicant has been granted bail by this Court by its order dated 20/8/2016 in Bail Application No.833/2016. He submitted that the principle of parity is squarely applicable to the applicant with other accused namely Yoginder Rawat. He submitted that thus there is a substantial change in circumstances and the applicant therefore, may be released on bail.

3) The record reveals that the applicant has been acquitted from CR No.406/2012 registered with Bhandup Police Station, Mumbai which was culminated into Cri.Case No. 33/PW-2013 by the learned Metropolitan Magistrate by its order dated 12.1.2017. That, the role attributed to the applicant and the other evidence available against him is similar to that of the co accused Yoginder Rawat who has been released on bail by this Court by an order dated 20.8.2016. In my opinion, principle of parity is squarely applies to the applicant along with co accused Yoginder Rawat. In view thereof the applicant has made out a case

for his release on bail.

4) Hence, the following order.

a) The applicant be released on bail in CR No.126 of 2015 registered with Bhandup Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

b) After his release from jail, the applicant shall report to the Bhandup Police Station on 1<sup>st</sup> Monday of every month between 11.00 a.m. and 1.00p.m.

c) The applicant shall also attend all the court dates.

d) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

e) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)