

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2204 OF 2017**

Bhairusingh @ Bharat pratap Singh Rawat. **..APPLICANT**

V/s.

The State of Maharashtra and anr. **...RESPONDENTS**

Mr.Sandeep D.Sherkhane for the applicant
Ms.J.S.Lohokare, APP for the State.
Mr.Ashok R.Sawant, Juhu Police Station PSI

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CORAM: A.M.BADAR, J.

DATE: 9th October, 2017

PC:-

1. The applicant/accused in Crime No.268 of 2016
for the offences punishable under Sections 452, 342,
392, 506(2), 120(B),34, 395, 397, 450 of the Indian
Penal Code read with 37(1), 135 of Maharashtra Police
Act r/w 3 and 25 of Arms Act, by this application is
seeking his release on bail during the pendency of the
trial after filing of the chargeheet.

2. The learned advocate appearing for the applicant

pointed the order passed by this Court on 24th August 2017 in Criminal Bail application No.468 of 2017 (Coram: Revati Mohite Dere, J) and submitted that case of the present applicant is at par with applicant Sushil Hinge in the said application and therefore, on the principle of parity he is entitled for bail.

3. The learned APP opposed the application by contending that major portion of looted jewellery came to be entrusted to the present applicant and therefore, the case of the applicant cannot be compared with that of the accused, who is released on bail by this Court.

4. I have carefully considered the rival submissions and also perused the chargesheet. Co-accused Sushil came to be released on bail by this Court by holding that the main accused in the crime had handed over gold jewellery to said Sushil for selling the same and said Sushil had not taken part in the actual incident. So far

as, Sushil is concerned, one more allegation was against him to the effect that he was handed over the fire arm by the main accused for destruction. Qua the present applicant, allegations are to the effect that some gold ornaments looted from the first informant were recovered from him. Even the learned Sessions judge has observed that the present applicant had not entered into the house where the crime was committed.

5. Perusal of the chargesheet goes to show that the applicant had identical role in the crime in question as that of co-accused Sushil Hinge, who is released on bail by this Court. Therefore on the principle of the parity the following order.

ORDER

- (i) The application is allowed.

(ii) The applicant be enlarged on bail, on executing P.R.Bond in the sum of Rs.25,000/- with one or two local sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10.00 a.m. to 11.00 noon, till the framing of charge;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(v) The applicant shall inform his latest place of residence and mobile contact and/or change of residence of mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to co-operate with the conduct of the trial and shall attend the trial on every date of hearing.

(vii) At this stage, the learned Advocates appearing for the applicant submits that initially for a period of four weeks' the applicant be enlarged on furnishing cash bail. The request so made is reasonable and within this period he will be in a position to arrange for sureties. Therefore, initially for a period of four weeks', on depositing cash security of Rs.25,000/-, the applicant be released on bail in order to enable to arrange for surety.

(viii) The application stands disposed of accordingly.

(A.M. BADAR, J)