

Dond

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

BAIL APPLICATION NO. 2240 OF 2017

Harish Ashok Naik

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rajesh Datar i/b D.S. Pagare for Applicant.

Mr. S.H. Yadav, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 6th DECEMBER 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-2 of 2017 dated 2.1.2017 registered with Kalamboli Police Station, Navi Mumbai under Sections 420, 465, 467, 468, 471, 474 r/w 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] Learned Counsel for the applicant submitted that there are in all 11 accused persons in the present crime and out of which 6 accused

persons have been released on bail either by this Court or by the Trial Court. That the role attributed to the present applicant is much lesser than the other six accused persons who have been released on bail and therefore the applicant is entitled to be released on bail on the ground of parity.

4] Perusal of record would indicate that, it is the allegation against the applicant that, he on two to three occasions accompanied co-accused Naresh Mhatre. That co-accused Naresh Mhatre used to visit the office of the applicant for the purpose of various dealings pertaining to sale and purchase transactions of the land in the vicinity. Apart from the said fact, there is no other allegation against the applicant. Learned APP submitted that there was a deposit of Rs.34.00 lakhs in cash in two accounts of the applicant. However, the record reveals that prima facie, the prosecution till date is unable to connect the link of deposit of the said money as the proceeds of present crime. As has been rightly pointed out by the learned Counsel for the applicant that the other accused released on bail have played vital role in the present crime, than the applicant and therefore the applicant is entitled to be released on bail on the ground of parity.

5] Hence, the following Order:

(i) The applicant be released on bail in CR No. 2 of 2017

registered with Kalamboli Police Station on his furnishing PR bond of Rs.1,00,000/- (Rupees One Lakh) with one or two solvent local sureties in the like amount.

(ii) After his release from jail, the applicant shall attend the concerned Police Station on 1st Monday of every month between 10.00 a.m. to 1.00 p.m.

(iii) Applicant shall attend all date before the Trial Court.

(iv) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)