

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 708 OF 2017

(Daulat @ Guddu S/o Ramesh Sao..vs..State of Maharashtra, through PSO.PS.Ramnagar,District-
Chandrapur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.M.Daga, Advocate for applicant.

Shri Indranil Damle,A.P.P. for non-applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 8,2017

Heard learned counsel for applicant and learned
A.P.P. for State-non-applicant.

2] By moving the present application under Section 439 of Code of Criminal Procedure the applicant is seeking for enlarge on the bail since he is arrested in connection with Crime No.549/2014 registered with P.S.Ramnagar, Chandrapur, for the offence punishable under Sections 302, 201,120(B),404 read with Section 34 of the Indian Penal Code.

3] At the outset, learned counsel for the applicant pointed out to me that the order passed by this Court on 13/6/2017 in Criminal Application (BA)No.214/2017 wherein this Court has granted bail to co-accused Ayyub Sheikh Abbu Sheikh. The said order is taken on record and marked as Annexure-X for the purpose of identification.

4] After hearing the learned counsel for the applicant and learned A.P.P. for non-applicant it is clear that the case of the present applicant stands on the same footing as that of applicant Ayyub Sheikh Abbu Sheikh who is already released on bail. Therefore, the present applicant is entitled to get his application considered on principle of parity.

5] Even according to the prosecution the evidence that is available against the applicant is of last seen theory. The applicant in Criminal Application (BA) No.214/2017 was also seen lastly in the company of deceased so also the said applicant was having criminal antecedents as that of the present applicant. There should be consistency in the judicial pronouncement. In that view of the matter, the present applicant is released on bail. Consequently, I pass the following order.

ORDER

- I) The application is allowed.
- II) Applicant Daulat @ Guddu S/o Ramesh Sao be released on bail on his executing P.R. of Rs. 15000/- with two solvent sureties in the like amount.
- III) The applicant shall attend the session trial on every date before the Sessions Court unless he seeks exemption in advance from the Sessions Court.

- IV) In addition to that the present applicant shall attend P.S.Ramnagar, Chandrapur once in a month i.e. Friday in between 3.00 p.m. to 5.00 p.m. till the culmination of the trial.
- V) The application is allowed and disposed of.

JUDGE

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