

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

CRIMINAL APPLICATION (BA) NO.875/2017

Pravin @ Chhotu s/o Asaram Akare ..vs.. State of Maharashtra through PSO
P.S. Adyar, Dist. Bhandara.

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

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 15, 2017

Heard Mr. R.M. Daga, Advocate for applicant.

Though the case is coming for the first time before this Court, the learned A.P.P. is not only ready with the matter but he has also tendered his reply. It is taken on record.

At the outset, Mr. Daga, learned counsel for the applicant invited my attention to the order passed by this Court in Criminal Application No.732/2017 dated 10.08.2017 and made a submission that the case of the applicant therein; Suraj and the present applicant is identical. This particular submission made by the learned counsel for the applicant is not controverted by the learned A.P.P. except that according to the learned A.P.P. the applicant is having criminal antecedents. He invited my attention to the chart which is filed along with the charge-sheet itself. The said shows that the applicant is having criminal antecedents. However, all the crimes are under the Gambling Act. Against the

present applicant, no offence under the Indian Penal Code except under Section 323 was registered. However, applicant is already acquitted of said crime.

In that view of the matter, in my view, criminal antecedents for offences under the Maharashtra Prohibition Act cannot have the bearing for deciding the bail application in serious offences like this.

Since the case of the present applicant is at par with the applicant in Criminal Application No.732/2017, the applicant is surely entitled to get the benefit on the principle of parity.

In that view of the matter, following order is passed.

ORDER

- (i) Criminal Application No.875/2017 is allowed.
- (ii) Applicant-Pravin @ Chhotu s/o Asaram Akare, be released on bail in connection with Crime No.20/2017 registered with Police Station, Adyar, Dist. Bhandara for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code and under Section 3 (2) (V) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act on he executing PR Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall attend Police Station, Adyar, Dist. Bhandara, twice in a month i.e. on first and the last Monday of every month in between 2.00 p.m. to 6.00 p.m. till culmination of the trial.

(iv) The applicant shall not tamper with the evidence and also shall not influence the prosecution witnesses.

The application stands disposed of.

JUDGE

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