

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 100 OF 2017**

Shyam Pandurang Tambe @ Savio RodriksApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. Pankaj Kavale for the Applicant.

Mr. S.S.Hulke APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 19th JUNE, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No.I-84 of 2012 dated 13 July, 2012 registered with Kopari Police Station, Thane under Sections 307, 143, 147, 149, 120(B) read with 34 of the Indian Penal Code, under Sections 3(1)(ii), 3(2), 3(4) of MCOC Act, 1999, under Sections 3 read with 25(1)(b), 3(4) and 27(2) of Arms Act and under Sections 37(1) and 135 of the Bombay Police Act, now culminated into MCOC Case No.1 of 2013.

2 The Applicant is accused No. 8 in the present Crime. The learned counsel appearing for the Applicant submitted that the co-

accused namely Manish Salve (Accused No. 13) and Rajesh Bhalerao (Accused No.6) have been directed to be released on bail by this Court by its Orders dated 30th March, 2016. He submitted that, the Applicant has been attributed with same and/or similar role, as that has been assigned to the said accused and therefore, the Applicant is entitled to be released on bail on the ground of parity.

3 The learned APP fairly conceded to the said facts situation.

 The Investigating Officer has filed an affidavit dated 15th June, 2018 wherein, the contention of the Applicant has not been disputed.

4 After perusing the record annexed to the Application and the entire charge sheet, this Court is of the considered view that, the role attributed to the Applicant in the present crime is same and/or similar to that has been assigned to co-accused Rajesh and Manish and therefore, the Applicant is entitled to be released on bail on the ground of parity.

5 In view of the above, the Applicant can be released on bail.

Hence the following order:-

a) The Applicant shall be released on bail upon

furnishing PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount;

- b) The Applicant shall not pressurize the complainant, victim and any other witness;
- c) The Applicant shall not indulge into any criminal activity hereafter.
- d) The Applicant shall make himself available and attend all Court dates;
- e) The Applicant shall not abscond and furnish his telephone number and address to the police along with address proof.
- f) The Applicant shall not leave India without the prior permission of the Court.
- g) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)