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

**ANTICIPATORY BAIL APPLICATION NO. 401 OF 2018
WITH
APPP NO.280 OF 2018**

Prakash Ratilal Mehta

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. Niranjan Mundargi I/b Aditya Jadhav for applicant.

Ms. Rutuja Ambekar, APP for State.

Mr. K.M. Sangani for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 14th August 2018.

P.C.:

1] Heard the learned counsel for the applicant, the learned counsel for the Intervener and the learned APP. Perused the papers of investigation.

1] The record indicates that, at the request of learned counsel for the Intervener, the present application was adjourned from time to time. On 15th June 2018, at the request of learned counsel for the first informant/Intervener, the matter was adjourned to 20th July 2018 by granting interim relief in favour of the applicant. On 15th June 2018 itself the learned APP on instructions had made a statement that, the trial of the

present case has already commenced and seven witnesses have been examined by the prosecution.

3] Mr. Mundargi submitted that, the principal accused Krishnakant Vora, Sanjay Inamdar, Smt. Varsha D. Badlani have been granted pre-arrest bail by the Sessions Court on merits. That the role played by the present applicant is same and/or similar to that of the said co-accused and therefore the present applicant may be granted pre-arrest bail on the ground of parity. He on instructions submitted that, the trial arising out CR No.427 of 2015 registered with Mulund Police Station, Mumbai (i.e. present case) is in progress and the prosecution has already examined about eight witnesses as of today.

4] Despite the aforestated admitted facts, Mr. Sangani, the learned counsel for the Intervener-Bank vehemently opposed the present application on trifle grounds. However, he could not contradict the submissions made by Mr. Mundargi on behalf of the applicant.

5] In view of the fact that, the applicant has played same or similar role to that of aforesaid co-accused who have been granted pre-arrest bail, the applicant is entitled to be protected by pre-arrest bail on the ground of parity.

6] Hence, the following Order:-

i] In the event of arrest in CR No.427 of 2015 registered with Mulund Police Station, Mumbai, the applicant be released on bail on his furnishing PR

bond in the sum of Rs.25,000/- with one or two solvent local sureties.

ii] Applicant shall attend all dates before the Trial Court.

iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

7] Application is allowed in the aforesaid terms.

8] In view of Order passed in A.B.A. No.401 of 2018, Criminal Application No.280 of 2018 for intervention does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)