

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

BAIL APPLICATION No. 1083 OF 2018

Akshay @ Akash Patil

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Jayant Joseph Bardeskar for Applicant

Mr. Prashant Jadhav-APP

Mr. Sandip S. Gosavi, PSI, Saswad Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: AUGUST 10, 2018

P.C.

1. Heard the learned counsel for the Applicant and the learned APP for State.
2. This is an application under section 439 of the Criminal Procedure Code.
3. The Applicant herein is arrested on 6th July, 2017 in Crime No. 119 of 2015 registered at Saswad Police Station for offences punishable under Section 364A, 365, 385, 395, 177 r/w. 34 of the Indian Penal Code and under section 3(1) (ii), 3(2) of MCOC Act, 1999.

4. It is the case of the prosecution that on 4th May, 2015, Smt. Meera Pokale lodged a report at the police station that on 2nd May, 2015 one Amol Yewale had called upon her son-in-law Amar Tanwade and had asked him to inform his mother-in-law that he desires to get married with her daughter Divya and that Amar and Meera should attend the marriage or else they would face dire consequences. It is alleged that he had also threatened her on several occasion. On 4th May, 2015, Amar Tanawade had informed the first informant that he had received the informant that she should immediately go to Village Khalad as Amol has come to Village Khalad along with 10/12 persons. In the meanwhile, Amol had kidnapped Sachin, who happens to be the nephew of the first informant only to intermidate her to allow him to marry her daughter Divya. It also appears that there are some previous transactions between Amol and the First Informant and that the first informant was in custody in the said offence and at that time, Amol Yewale had helped her to prosecute her cause including enlargement on bail. It is alleged that Amol and his associates had kidnapped Sachin. Upon receiving information she had taken police to village Khalad. In as much as 10 persons were arrested on the spot and Sachin was rescued.

4. It is the case of the prosecution that the present Applicant happens to be the friend of Sachin, he had gone to village Khalad to help Amol. When the

police reached , the accused persons had fled and according to the investigating agency Applicant was one of them, who had fled from the spot.

5. The learned counsel for the Applicant has drawn attention of this Court to the order dated 8th February, 2017 in Bail Application Nos. 777 of 2016, 673 of 2016 and 1231 of 2016 [Coram: Smt. Mridula Bhatkar J.]. All the three persons were enlarged on bail. It is pertinent to note that Pravin Shelar was one of the Applicants in that 10 persons, who was arrested on the spot along with the other co-accused. Ramdas Govind Wanjale and Amit Suresh Kadam are the persons who had fled away from the spot, upon arrival of the police officers and subsequently, they were arrested. According to the prosecution, the Applicant is also one of the persons, who had fled away from the spot. The learned counsel for the Applicant submits that by virtue of doctrine of parity, the Applicant deserves to be enlarged on bail.

6. In view of the fact that the Applicant was not found at the spot and that the co-accused in similar offence, were enlarged on bail by this Court on 8th February, 2017. The Applicant also deserves to be enlarged on bail on the ground of parity.

7. The observations are prima facie in nature and shall not be considered for the purpose of discharge application or at the time of trial.

8. Hence, the following order is passed:

ORDER

- (a) Application is allowed
 - (b) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- and one or more sureties in the like amount.
 - (iii) Within two weeks from being released on bail, the Applicant shall furnish his permanent address, cell phone and other details to the investigating agency
9. Bail Application is allowed and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Vaishali
Anil
Tikam

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by Vaishali Anil
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