

925- APPLN 225 of 2018

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

CRIMINAL APPLICATION No. 225 OF 2018

Mr. Juber Ibrahim Choudhari

...Applicant

Vs.

The State of Maharashtra and Anr.

... Respondents

Mr. Umesh R. Mankapure for Applicant
Mr. Kuldeep U. Nikam for Respondent No.2
Mr. Vinod Chate -APP

CORAM : SMT. SADHANA S. JADHAV, J.
DATE: JULY 4, 2018

P.C.

1. Heard. This is an application filed under Section 439 (2) of the Criminal Procedure Code.
2. The learned counsel for the Applicant has drawn the attention of this Court to paragraph 14 of the order dated 19th January, 2018, thereby granting bail in favour of Jamir Salim Shaikh. While granting bail, this Court had specifically observed that the co-accused shall not claim parity with the present applicant, more particularly, Naushad Shaikh, Khwaja Shaikh and Sameer

Shaikh. Despite the fact, the Learned Sessions Judge by order dated 3rd April, 2018 was pleased to grant bail in favour of Naushad Shaikh. The Learned Sessions Judge has observed that the role attributed to Amir, who is enlarged on bail even prior to 19th January, 2018, is having the similar role as that of applicant Naushad and, therefore, the Learned Sessions Judge has by virtue of doctrine of parity, granted bail in favour of Respondent No.2.

3. Mr. Mankapure, learned counsel for the Applicant submits that it was Naushad and Jaber, who had facilitated the assault on victim and, therefore, they both do not deserve bail.

4. Be that as it may. For time being, it cannot be said that the order granting bail to Amir and Naushad cannot be said to be perverse, the application stands rejected. However, it is made clear that Respondent No.2 shall not reside in Sangli Miraj and Kupwad Municipal Corporation till 30th October, 2018. Thereafter, Respondent No.2 shall not reside in Miraj till conclusion of the trial. Application stands disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]