

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1098 OF 2018
Ashishkumar H. Gupta vs. State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Subhash Jha with Ms. Sanjana Pardehsi i/by Law Global for the Applicant.

Mrs. J.S.Lookare, APP. for the Respondent-State.

Mr. Shelke, API. from DCB CID Unit XI present.

CORAM : A.S.GADKARI, J.

DATE : 28th June, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No.197/2017 registered with Malad Police Station, Mumbai now transferred to DCB CID, Unit-XI and renumbered as CR No.21/2017 under Sections, 419, 420, 406 read with 34 of the Indian Penal.

2. Heard the learned counsel for the applicant and the learned APP. Perused the record annexed to the application.

3. The learned counsel for the applicant submitted that,

the co-accused namely Anil Singh has been released on bail by this Court by its Order dated 12.4.2018. That, by subsequent Order dated 26.4.2018 co-accused namely Rinku S. Solaki, Upendara G.Badoria and Raja Tiwari have been directed to be released on bail by this Court. He further submitted that the role attributed to the present applicant is same and/or similar as that has been assigned to accused Raja @ Raj Anil Tiwari and therefore, the applicant is entitled to be released on bail on the ground of parity.

4. Perusal of the charge sheet would indicate that the role attributed to the present applicant is that of running of the said call centre along with Raja @ Raj Anil Tiwari @ Kaptansingh Chauhan is same and similar and thereof, the applicant is entitled to be released on bail on the principle of parity.

Hence, the following order.

a) The applicant be released on bail in CR No.197/2017 registered with Malad Police Station, Mumbai now transferred to DCB CID, Unit-XI and renumbered as CR

No.21/2017 on his furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like amount.

b) After his release from Jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00p.m. till the conclusion of the trial.

c) The applicant shall not tamper the evidence of attempt to influence or contact the complainant, witnesses or any persons concerned with the case.

d) The applicant shall inform his latest place of residence and mobile number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

e) The applicant to co-operate with the conduct of the trial.

f) The applicant shall file an undertaking with regard to clauses (b) to (c) in the trial Court, within two weeks of his release.

g) If there are two consecutive defaults in appearing

before the trial Court or in reporting to the Investigating officer and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

- h) The application is accordingly disposed off.
- i) It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this Order.

All the concerned to act on the authenticated copy of this Order.

(A.S.GADKARI, J.)