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

BAIL APPLICATION NO.1198 OF 2018

KAPTANSINGH @ BOBBY @ SANDIP GUPTA **..APPLICANT**

Vs

THE STATE OF MAHARASHTRA **..RESPONDENT**

Mr. Niranjan Mundargi I/b V.V. TarePatil for applicant.

Ms. A.A. Takalkar, APP for State.

Mr. Sharad Zine, API, Unit-XI, DCB CID, Kandivali, Mumbai present.

CORAM : A.S.GADKARI, J.

DATE : 9th August 2018.

P.C.:

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

2] Heard the learned Counsel for the applicant and the learned APP for the State. Perused the record annexed to the application.

3] By an Order dated 28th June 2018, the co-accused Ashishkumar H. Gupta has been released on bail by this Court. The learned counsel for

the applicant submitted that, the role attributed to the applicant is same and/or similar to 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 chargesheet would indicate that, the role attributed to the present applicant is similar to that of accused Raja @ Raj Anil Tiwari and Ashishkumar H. Gupta is same and similar and therefore, the applicant is entitled to be released on bail on the principle of parity.

Hence, the following Order:

- a] Applicant be released on bail in CR No. 197 of 2017 registered with Nalad Police Station, Mumbai now transferred to DCB CID, Unit XI and renumbered as CR No.21 of 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 office of DCB/CID, Unit XI on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the conclusion of trial.
- c] The applicant shall not tamper with the evidence or attempt or 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] 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.

g] The application is accordingly allowed.

5] 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.)