

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3211 OF 2018

Mohammad Rafeeqe Mohammad YunusApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. M.N. Sandhyanshiv, Advocate for the Applicant.

Mr. Amit Palkar, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 17th December,2018.

P.C.:-

1 This is an Application under Section 439 of Cr.P.C. for bail in CR No I-89/2018 dated 19/5/2018 registered with Chandwad Police Station, Nashik for the offences under Sections 399 and 402 of the Indian Penal Code and Section 3 and 4 read with section 25 of the Indian Arms Act.

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 other two co-accused, namely Shaikh Saeed Shaikh Majeed and

Mohamad Munawar Mohamad Faruq who have been attributed with same and/or similar role, have been released on bail by this Court by its Orders dated 21st September, 2018 and 5th October, 2018 respectively and therefore the applicant is entitled to be released on bail on the ground of parity.

4 Perusal of record would indicate that, there is substance in the submission made by the learned Counsel for the applicant. It appears from the record that though the applicant was arrested at the spot, he was not found in possession of any weapon or any other gadget which was to be used in commission of an offence under Section 399 of IPC.

5 In view of the above, the Applicant is entitled to be released on bail on the ground of parity.

Hence, the following order:-

- a) The applicant be released on bail in CR No. I-89 of 2018 registered with Chandwad Police Station, Nashik on his furnishing PR bond of Rs.20,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the Applicant shall report

to Chandwad Police Station, Nashik on every first Monday of the month between 11.00 a.m. and 1.00 p.m. until further orders;

- c) The Applicant shall attend all the dates before the Trial Court unless precluded for medical reasons.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)