

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.354 OF 2018

(Tanvir @ Tannu s/o Shaikh Sattar V/s State of Maharashtra)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Raheel Anwar J. Mirza, Advocate for applicant.
Shri P.S. Tembhare, APP for Respondent/State.

CORAM: S.B. Shukre, J.

DATE: 13-04-2018

Heard. Perused the First Information Report in the reply of the prosecution. I have gone through the order dated 13-03-2018 passed by Sessions Judge, Akot granting bail to the co-accused Abdul Tanvir.

Upon consideration of the facts and circumstances available on record, I find that case of the applicant is identical to the case of Ab. Tazim who has been released on bail by the Sessions Court. After Abdul Tazim had assaulted the complainant by means of iron pipe on complainant's right leg and right knee, this applicant had assaulted the complainant by means of iron pipe on the complainant's hands and legs. Abdul Tazim has been granted bail whereas the this application has been denied it.

I am of the view that such discrimination cannot be countenanced in law. According to learned Counsel for the applicant the order granting bail to Abdul Tazim has not been challenged by the prosecution.

In view of the above, I find that benefit of parity deserves to be granted to this applicant.

Application is allowed and the applicant be released on bail on his furnishing PR Bond of Rs. 30,000/- together with one solvent surety in the like sum, on the following conditions:

- (1) Applicant shall not tamper with the prosecution witnesses in any manner.
- (2) The applicant shall cooperate with the trial Court in expeditious disposal of the case.
- (3) The applicant shall not live at Akot city and shall live at least 50 kms away from the city limits of Akot pending final disposal of the trial. The prohibition of entering the city limits of Akot city shall not be there when the applicant is required to attend the dates in trial and the removal of this prohibition shall be during such hours of that particular date from 9 a.m. till 8.00 p.m.

Disposed of.

JUDGE