

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

Criminal Application (ABA) No. 859 of 2017

Kailas v. 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 A. A. Naik, Advocate for applicant
Shri Harshal Dube, APP for respondent-State

CORAM : S. B. Shukre, J

DATE : 19.3.2018

Heard. Perused reply of the prosecution and the First Information Report. It has been pointed out by learned counsel for the applicant.

It has been pointed out by learned counsel for the applicant that after rejection of anticipatory bail application filed by the applicant before the Sessions Court, Wardha, the same Court granted anticipatory bail to several others similarly situated accused persons. He points out that two of the co-accused including one Chhaya who were also borrowers from the Bank just like this applicant, have been granted bail on the ground that this Court has granted bail to the prime accused by name Harish in this very crime.

When this application was filed in November 2017, the co-accused were yet to be granted bail by the Sessions Court and the Sessions Court granted anticipatory bail, as submitted by learned counsel for the applicant, during the pendency of this application and that was the reason why this applicant could not once again approach the Sessions Court for seeking relief of grant of anticipatory bail on the ground of parity. So far as concerned the fact relating to

granting of anticipatory bail to the co-accused, who are also borrowers like this applicant subsequent to the filing of this application before this Court, it is not disputed by learned Additional Public Prosecutor and subsequent orders have also not been challenged by the State. It is also not in dispute that this applicant is one of the borrowers who has repaid Rs. 1.07 crores as on the date of application and according to him, the latest position is that the applicant has repaid the entire outstanding of about Rs. 2.54 crores.

Such being the facts of the case, I do not think that the applicant can be denied the benefit of principle of parity. Accordingly, I find him to be entitled to anticipatory bail since the persons similarly situated have been given the benefit of bail.

Application is allowed and the interim bail granted to the applicant vide order dated 28.11.2017 is hereby confirmed on the same conditions. Disposed of.

JUDGE

joshi