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

BAIL APPLICATION NO. 250 OF 2019

Gajanan Vitthal Khandare

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mr. V.V. Purwant a/w Mr. Rushikesh for the Applicant.

Mr. S.S. Hulke, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 5th April 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. I-126 of 2017 dated 5.7.2017 registered with Kasarwadavali Police Station, Thane for the alleged offences punishable under sections 353, 364, 332 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The learned counsel for the applicant submitted that, the co-accused namely Rahul R. Thorat who has been attributed with same and/or similar role has been released on bail by this Court by its Order dated 9th April 2018. He therefore submitted the present applicant may be

released on the ground of parity.

4] After perusing the record, it appears that there is substance in the submissions made by the learned counsel for the applicant. The other co-accused who in fact assaulted the first informant in a running car has been granted bail. The applicant is therefore entitled to be released on bail on the ground of parity on the same terms and conditions as that of co-accused Rahul Thorat.

Hence the following Order:

- (i) The Applicant be enlarged on bail on furnishing P.R bond in the sum of Rs.15,000/- with one or two local sureties in the like amount.
- (ii) The applicant shall attend all the dates before the Trial Court unless granted exemption by the concerned Court.
- (iii) In case of any two consecutive defaults in appearing before the Trial Court, the prosecution will be at liberty to apply for cancellation of Applicant's bail.
- (iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)