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

CRIMINAL BAIL APPLICATION NO. 488 OF 2019

Manoj Madhukar Salvi

... **Applicant**

Vs

The State of Maharashtra

... **Respondent**

Ms.Priyanka Dubey for Applicant.

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

CORAM : A.S.GADKARI, J.

DATE : 12th March 2019.

P.C.:

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in C.R. No. 191 of 2018 dated 10/06/2018 registered with Vikhroli Police Station for the offence punishable under Section 406, 419, 420, 465, 467, 468, 470, 471, 472 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

3] The learned counsel for the applicant submitted that the co-accused, namely, Mohammad Irfan Sharif Meer, who has been attributed with same or similar role as that of the applicant in the

present crime, has been released on bail by the trial Court by its order dated 5th February 2019 and therefore, the applicant may also be released on bail on the ground of parity.

4] The learned APP vehemently opposed the application and submitted that the role played by the applicant herein and the co-accused Mohammad Irfan Sharif Meer is different. He submitted that the applicant was consistently in contact with prime accused, namely, Pritam Mhatre who is the mastermind behind the crime. It is submitted that the applicant has also filled in certain forms under the instructions of Pritam Mhatre in the office of MHADA to gain the confidence of the victims. It is, therefore, prayed that the present application be rejected.

5] A minute perusal of the chargesheet would indicate that the role attributed to the present applicant is same and/or similar to that of co-accused Mohammad Irfan Sharif Meer. It *prima-facie* appears that, the aforesaid alleged additional acts committed by the applicant were committed under the directions of Pritam Mhatre. It appears from the record that co-accused Pritam Mhatre had also directed Mohammad Irfan Sharif Meer to do certain other additional acts.

6] After perusing the entire record, this Court is of the view that the role played by the applicant in the present crime is similar to that of Mohammad Irfan Sharif Meer who has been granted bail by the learned Additional Sessions Judge, Gr. Mumbai, in Bail Application No. 233 of 2019. The applicant is, therefore, entitled to be released on bail on the ground of parity.

7] Hence, following order.

- (i) Accused be released on executing P.B. and S.B. of Rs.25,000/- with one or two surety/s subject to conditions that he shall attend Vikhroli Police Station every alternate day from his release between 05:00 p.m. to 07:00 p.m. for two months and thereafter on 1st and 16th day of every month till conclusion of the trial.
- (ii) He shall not tamper with the prosecution witnesses and evidence in any manner and shall cooperate in the investigation.
- (iii) Provisional cash bail allowed for four weeks.
- (iv) Bail before the learned trial Court.
- (v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)