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

BAIL APPLICATION NO. 787 OF 2019

Ashu @ Dnyaneshwar Sonawane & Anr.

..Applicants

Vs

The State of Maharashtra

..Respondent

Mr. Nitin Sejpal, a/w Ms.pooja Sejpal, Ms. Akshita Desai for Applicants.
Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 14th March 2019.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-403 of 2018 dated 11th September 2017 registered with Kolsehwadi Police Station, District-Thane under sections 376(D), 365, 506 of the Indian Penal Code.

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

3] The prosecutrix is aged about 27 years. The learned counsel for the applicants submitted that, Vyankatrao Chinnala who has played same and/or similar role in the present crime has been released on bail by this Court by its Order dated 28th February 2019. He submitted that, the

applicants are similarly situated to that of Vyankatrao Chinnala and are entitled to be released on bail on the ground of parity.

4] The record indicates that, the prosecutrix was aged about 27 years and when she left her matrimonial house on 9.9.2017 a missing complaint was lodged by the husband. In the said complaint, police recorded her statement and she has stated that, she left her house at her own will due to quarrel between herself and her family members. She has further stated that, she had no grievance against anybody. However, in the first information report, she has stated that on 9.9.2017 after 5.30 p.m., the applicant No.1 took her at Hotel Manali Palace at Titwala and the applicants along with co-accused Vyankaro committed sexual assault on her.

5] As noted earlier, the co-accused Vyankatro has been granted bail by this Court by its Order dated 28th February 2019. The applicants have been assigned with same and/or similar role in the present crime to that of Vyankatrao and therefore, the applicants are entitled to be released on bail on the ground of parity.

6] Hence the following Order:-

i] The Applicants are directed to be released on bail in connection

with CR No.I-403 of 2017 registered with Kolsehwadi Police Station, on their furnishing PR bond in the sum of Rs.25,000/- each, with one or two separate sureties in the like amount.

ii] The applicants shall report to the concerned police station once in a month on first Saturday of the month between 11.00 a.m. and 1.00 p.m. till conclusion of trial.

iii] The applicants shall not try to tamper with the evidence and shall not approach the prosecutrix;

iv] The applicants are permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks.

(A.S.GADKARI, J.)