

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

**CRIMINAL BAIL APPLICATION NO.1582 OF 2018
IN
CRIMINAL APPEAL (ST.) NO.1569 OF 2018**

Sanjay Rai	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Prabhakar Singh i/b. Mr.Anil Pratap, Advocate for the Applicant.
Mr.J.P. Yagnik, APP for the Respondent-State.

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**CORAM : B. P. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.**

DATE : APRIL 11, 2019.

P.C.:

Heard learned counsel for the applicant, original accused no.2 and learned APP. Learned counsel for the applicant argues the matter on merits as also on the ground of parity pointing out that co-accused (accused no.1) was enlarged by this Court on 15th September, 2011, while passing order in Criminal Bail Application No.1118 of 2011.

2 Perusal of judgment dated 29th January, 2009,

delivered by Additional Sessions Judge - 2, Nashik, shows that accuse no.1 Rajdeo Rai and accused no.2 Sanjay Rai, have been convicted with the aid of Section 109 of Indian Penal Code ("IPC", for short) for the offence punishable under Sections 302 and 380 IPC.

3 Evidence of P.W.1 Rupdeo Pande and P.W.2 Yogesh Vaidya has been used for that purpose. Appreciation of their evidence at paragraphs 19 and 20 of the impugned judgment shows that these witnesses claim that both these accused persons were seen by them talking with absconding accused Sanoj Rai. Sanoj Rai happened to be an employee of deceased. Accused nos.1 and 2 were insisting for repayment by Sanoj to them of their loan amount and for that purpose they were inducing him to take help of his rich employer. The consideration by trial Court does not show any inducement by these accused persons to Sanoj to commit any offence.

4 We are in this situation inclined to grant similar relief to accused no.2 i.e. present applicant. Accordingly, we direct applicant accused no.2 Sanjay Rai to be released on bail on furnishing two independent sureties in the sum of

Rs.25,000/-, each, and, on giving the undertaking on affidavit as below:

- (i) He shall disclose the place of his residence at which he shall always be available during the pendency of this Appeal with his mobile and contact number.
- (ii) His sureties shall also accordingly furnish their addresses and contact numbers.
- (iii) He shall, during pendency of this Appeal, report to the police station having jurisdiction on the area of his residence once on every first working day of the month.
- (iv) He shall also keep Vakalatnama of his advocate filed in present appeal alive till Appeal is finally decided or arrange for alternate advocate without leaving any vacuum in the matter and shall not claim any opportunity to engage or change advocate at the stage of final hearing.

(v) The directions contained in this order shall be completed within two weeks from today.

6 Criminal Application is, accordingly, allowed and disposed of.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)