

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2731 OF 2018**

Akash Madhav Sanap

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Aniket Nikam I/by Aashish Satpute for the Applicant.

Ms. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 27th MARCH, 2019.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-134 of 2018 dated 8th March, 2018 registered with Shahapur Police Station, Thane (Rural) under Sections 363 and 395 of the Indian Penal Code.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the charge-sheet.

3 The learned counsel appearing for the Applicant submitted that, the principal accused namely Bharat Patil, who has been attributed with the role of forcible abduction of the vehicle loaded with liquor cartoons has been released on bail by the learned

Additional Sessions Judge, Kalyan by its Order dated 11th March, 2018 and therefore, the Applicant who has been assigned with lessor role in the crime, is entitled to be released on bail, on the ground of parity.

4 The record indicates that, as per the prosecution case, the principal accused Bharat Patil forcibly abducted the truck containing liquor cartoons and took it at a place near village Chincholi and thereafter, the Applicant along with other accused persons namely Yogesh Nawale and Rahul Sonawane were found in possession of the said liquor boxes where the raid was conducted by the police.

Thus, there is substance in the contention of the learned counsel for the Applicant that, the Applicant has been attributed with lessor role than that of principle accused and therefore, the Applicant can be released on bail on the ground of parity.

Hence, the following order.

- a) The Applicant be released on bail in CR No. I-134 of 2018 dated 8th March, 2018 registered with Shahapur Police Station, Thane (Rural) on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

- b) After his release from Jail, the Applicant shall attend all the dates before the Trial Court unless exempted by the concerned Court.
- c) Any two consecutive defaults in complying with the afore-stated condition will attract the provisions of cancellation of bail.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)