

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO.822 OF 2020**

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Tilak

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Ganesh Eknath Mole .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Satyavrat Joshi for the Applicant.

Mr. S.V. Gavand, A.P.P. for the State.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 25TH NOVEMBER, 2020.

P.C:-

1. The Applicant seeks parity with co-accused Siddharth Bhure who has been released on bail by order dated 05/03/2020 in Criminal Bail Application No.3446 of 2019. The Applicant was arrested on 15/05/2019 in connection with C.R. No.626 of 2019 registered with Pimpri Police Station, District Pune for offences punishable under Sections 363, 364A, 384 and 385 read with Section 34 of the IPC.

2. I have perused order passed by His Lordship Mr. Justice Prakash D. Naik on 05/03/2020 releasing the co-accused - Siddharth Bhure, on bail.

3. Recapitulating the prosecution case, from the charge-sheet, it is revealed that one Yadnyesh Tilwa was the victim who is alleged to have had financial transactions with co-accused. It is alleged that he was abducted by the co-accused and taken to Jalgaon in a vehicle. The Applicant and the co-accused were found together along with the victim in the hotel while having breakfast. As far as the role attributed to the Applicant is concerned, it is no doubt, true that he was found in the company of the victim but as has been observed in the order dated 05/03/2020 by His Lordship Mr. Justice Prakash Naik, the victim was not subjected to any assault. The statement made by Mr. Joshi, learned counsel for the Applicant that no incriminating material in the form of cash has been recovered from him, is not disputed by learned A.P.P. The role attributed to the present Applicant is identical to the one attributed to Siddharth Bhure, who is alleged to have driven the vehicle to Jalgaon. The Applicant is merely said to have accompanied the victim in the said vehicle. There is no reason why the benefit of the said order should not be extended to the present Applicant particularly when it is not reported that there are any criminal antecedents against the present Applicant. On completion of investigation, the charge-

sheet is filed and the incarceration of the Applicant is long since 15/05/2019. Hence, the following order:

ORDER

- (a) The Applicants – Ganesh Eknath Mole shall be released on bail in C.R. No.626 of 2019 registered with Pimpri Police Station, District Pune on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
 - (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
 - (c) The Applicant shall attend the trial court and mark his presence once in a month and co-operate with the trial.
 - (d) The Applicant shall provide his residential address and telephone number to the Investigating Officer.
4. The Application is allowed in the aforestated terms.

5. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

SMT. BHARATI DANGRE, J.