

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

LD-VC-CRIMINAL APPLICATION [BA] NO. 229/2020.

Sunil Gopalrao Abhyankar

-VERSUS-

The State of Maharashtra

CRIMINAL APPLICATION [BA] NO. 267/2020.

Gajanan Jagdeo Kamble

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.M. Tirukh, Advocate for Applicants.
Shri Tembhare, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JULY 23, 2020.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Applicants namely – Sunil Abhyankar and Gajanan Kamble came to be arrested by M.I.D.C.Akola Police Station in Crime No. 85/2019 in connection with the offence punishable under Section 376(d) of the Indian Penal Code. Besides some other grounds, both applicants are mainly claiming bail by invoking the rule of parity. It is pointed out that co-accused

2

Akash Khandare and Akash Datta were released on bail by this Court on 26.05.2020 and 12.06.2020.

3. It is argued that the role of present applicants is exactly similar to that of co-accused who are released. Rather it is submitted that the material available against applicants is similar to the co-accused who are already released.

4. At the instance of FIR lodged by a grown-up lady, an offence came to be registered. The victim lady alleged that one Manoj (main accused) along with his friends took the victim at secluded place and sexually abused her. This Court vide orders passed in Criminal Application No. 240/2020 on 26.05.2020, has released the co-accused Akash Prakash Khandare and vide orders passed in Criminal Application No.173/2020 on 12.06.2020 has released Akash Babu Datta.

5. Perusal of the police papers it reveals that besides Manoj, nobody's name is mentioned in the FIR. The allegations leveled against applicants are exactly similar to other two co-accused, who are already released. Therefore, there is no reason to deny the rule of parity to the present applicants. Moreover,

3

applicants are in jail since long and already charge sheet is filed long back prior to one year. The trial will take its own time for disposal in accordance with law. In view of that, applicants have made out a case for grant of bail, hence, I proceed to pass the following order.

- (i) Applicants/accused – Sunil Gopalrao Abhyankar and Gajanan Jagdev Kamble be released on bail on their furnishing P.R. Bond of Rs.25,000/- with one or two sureties in the like amount each.
- (ii) Applicants/accused shall not enter the jurisdiction of MIDC Akola Police Station, till the conclusion of the trial, except for the purpose of attending the Court.
- (iii) Applicants/accused shall report to Police Station Murtizapur, District Akola on 2nd and 4th Monday of each month till the conclusion of the trial.
- (iv) Applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) Applicants/accused shall provide their residential address and cell number to concerned Investigating Officer and shall not change their place of residence without

4

prior intimation to the concerned Investigating Officer.

6. Criminal Applications are accordingly allowed and disposed of.

7. This order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Rgd.

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date:
2020.07.24
10:58:10 +0530