

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

CRIMINAL BAIL APPLICATION (BA) 598 OF 2020

(Nihal s/o. Abhay Shambharkar..vs.. State, thr PSO, PS, Ani, Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri C.B. Barve, counsel for applicant.
Shri N.B. Jawade, APP for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:11.09.2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard.

3. This is the third application for bail which this Court is called upon to decide.

4. Vide order dated 17.2.2020, this Court declined to invoke the principle of parity noting that the role attributed to the applicant was different from the role attributed to the co-accused released on bail.

5. Additionally it was observed that the applicant is facing four prosecutions including three for offence punishable under section 392 of the Indian Penal Code.

6. The second application was withdrawn with liberty to approach the Sessions Court with new material.

7. The learned counsel Shri C.B. Barve would submit that out of the four prosecutions referred to in the order dated 17.2.2020, the applicant is acquitted in three. In rebuttal, the learned APP Shri N.B. Jawade points out that the acquittal is before the order dated 17.2.2020 and could have been then brought to the notice of the Court. Be that as it may, criminal antecedents was not the only ground on which this Court refused to invoke the principle of parity.

8. While I am not inclined to grant bail, considering that the applicant is of relatively young age and that he is in custody since 2.9.2018, the trial shall be commence as expeditiously as possible and shall completed within nine months from normal resumption of work.

9. If there is no significant progress in the trial, the applicant is at liberty to apply for bail afresh on that ground.

Judge