

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

CRIMINAL APPLICATION (BA) NO. 652 OF 2020

(Raju s/o Kirim Pawar ..vs.. State of Maharashtra, through PSO, Malegaon)

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

Court's or Judge's orders

Shri D.G. Dhoble, Counsel for the applicant,
Shri P.S. Tembhare, Addl.PP for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 21-09-2020

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

2. Heard.

3. Shri D.G. Dhoble, learned Counsel for the applicant submits that the applicant is entitled to bail on merits and on the principle of parity. Adverting to the merit, the submission is that the applicant is wrongly implicated in offence punishable under Sections 399 and 402 of the Indian Penal Code. In so far as the said offences, according to the learned Counsel, there is no material in the charge-sheet to suggest that the applicant was making preparation to commit dacoity or that there were five or more persons who had assembled for the purpose of committing dacoity. Shri D.G. Dhoble, learned Counsel points out that the alleged incriminating

material was recovered from the co-accused Laxman. It is further pointed out that co-accused Sajjan is granted bail by this Court (Coram : M.G. Giratkar, J.) vide order dated 10-8-2020 in Criminal Application (BA) 864/2020. Shri P.S. Tembhare, learned Additional Public Prosecutor fairly states that there does not appear to be any distinction between the material against Sajjan and that against the present applicant.

4. Considering the material in the charge-sheet and on the principle of parity, the accused is entitled to bail.

5. The application is allowed.

6. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

7. Considering the prevailing circumstances, the surety shall be furnished within four weeks of the release.

8. The applicant shall make no attempt to contact any witness or to otherwise influence the course of trial.

9. The applicant shall attend each date of hearing scrupulously.

10. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

adgokar