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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2699 OF 2021

Devala Joria Bhabhor

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr.M.N. Sandhyanshiv for the Applicant.

Mr. A.A.Palkar, APP for the Respondent -State.

.....

CORAM : V.G.BISHT, J.

RESERVED ON : 22ND NOVEMBER, 2021

PRONOUNCED ON : 29TH NOVEMBER, , 2021

PC:-

1. Learned counsel for the applicant seeks parity with three co-accused, who have been released on bail by this Court by its order dated 18th February, 2021 in Criminal Bail Application No. 1630 of 2020 with Criminal Bail Application No. 1731 of 2020 and the order dated 17th July, 2021 in Criminal Bail Application No. 1559 of 2021

2. Learned APP submits that an appropriate order may be passed.

3. The First Information Report (FIR) is lodged by one Shubham Gunjal, who was working as a Security Personnel in K.D.Bhalerao English Medium School, Lakhamapur. According to prosecution, on 24th September, 2019 at about 3.30 a.m., seven accused came there. All of them had covered their faces with cloths. They gave blows with sticks and tried to rob him. There was an associate Rajgiri with first informant. He was caught hold of and beaten. The informant started shouting and resisting. Other employees of the school, who are residing nearby, came to their rescue. The accused therefore ran away from the spot. Later on, he lodged the FIR.

4. I have gone through the earlier orders referred herein above in respect of all other accused. The material on record would show that nothing was stolen in the incident and the injuries alleged to have been sustained by the informant and his companion were simple. Earlier, the Court had occasion to observe that the identification of the accused persons in Test Identification Parade was shrouded with suspicion since the

offenders had covered their faces with masks.

5. In view of above obtaining situation, I do not see any reason as to why the present applicant should also not be given the same relief and since nothing was stolen and no recovery is attributed to the present applicant and the position of applicant qua the others, who are admitted on bail, remains the same, the applicant is entitled to be enlarged on bail. Hence, the following order:

ORDER

(i) Applicant- Devala Joria Bhabhor shall be released on bail in C.R. No. 166 of 2019 registered with Satana Police Station, Dist. Nashik on his executing P.R. Bond in the sum of Rs. 20,000/- with one or two local sureties in like amount.

(ii) 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.

(iii) The applicant shall report to the Satana Police Station, Dist. Nashik , on the first Monday in two months between 10.00 a.m. 1.00 p.m.till framing of the charge and, thereafter, as per the direction of the trial court.

(iv) Bail before the trial Court.

6. The application is allowed in the aforesaid terms.

7. Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(V.G.BISHT, J.)