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polishing and wax setting of diamonds and jewellery at Niraj Industrial Estate, Andheri (East) was closed during lockdown due to pandemic. On 20th March, 2020, the complainant visited his premises, and shocked to notice incident of burglary. Articles such as golden jewellery, diamond etc. were found missing. As such, the offence in question.

3. Learned counsel for the applicant seeks parity with other co-accused namely Shankar Kumar Yesu and Dhimant Chotalal Chouhan, who are ordered to be released by this Court. According to him, nothing is recovered from the applicant.

4. Learned APP, on instructions, opposed the prayer and submits that as far as Accused- Rajesh Marpakka is concerned, there is a statement of witness that he has procured steel cutter. It is also claimed that there are criminal antecedents.

5. Considered submissions.

6. It is not in dispute that the applicant after his arrest was subjected to custodial interrogation and no recovery is shown against

the present applicant as regards the valuables, which were stolen.

7. As such, claim of parity appears to be justified.
8. As far as criminal antecedents against some applicants is concerned, it cannot be inferred that similar type of allegations were made earlier in the offence which are registered, as such in my opinion since the applicant is behind the bars for more than one year, a case for grant of bail is made out. Hence, the application is allowed on following conditions :

ORDER

- (i) The applicant be released on bail in Crime No. 251 of 2020, registered with MIDC, Police Station, Mumbai for the offence punishable under Sections 454, 457, 380, 109, 120(B) read with section 34 of the Indian Penal Code, on furnishing P. R. Bond in the sum of 25,000/- with one or more local sureties in the like amount.
- (ii) The applicant shall attend concerned Police Station on every Monday till the trial is concluded.
- (iii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.
- (iv) The applicant while furnishing security shall also furnish address of his permanent residence and also furnish latest contact

details to the Court below and also to the I.O.

(v) The applicant shall attend the trial regularly.

(vi) If there are 2 consecutive defaults in appearing before the Court below, prosecution will be at liberty to apply for cancellation of Applicant's bail.

(NITIN W. SAMBRE, J.)