

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

BAIL APPLICATION NO.2997 OF 2021

Mr. Jayesh @ Jaya Halya Jadhav Applicant

Vs.

The State of Maharashtra Respondent

Mr. Shantanu R. Phanse a/w Ms. Shaikh for Applicant.
Smt. J.S. Lohokare APP for State of Maharashtra

**Coram : NITIN W. SAMBRE, J.
Date : 27th SEPTEMBER, 2021**

P.C.:

1. This is an application under Section 439 Cr.P.C. by the applicant seeking regular bail in C.R. No. I-60/2021, registered with Khadakpada Police Station (Kalyan), for the offences punishable under Sections 302, 307, 397 of Indian Penal Code, 3, 25, 27 of Indian Arms Act and 37(1), 135 of Mumbai Police Act.

2. The applicant came to be arrested on 1st March, 2021.

3. Learned counsel for the applicant would invite attention of this Court to the accusation against the applicant and also the order of Sessions Court, Kalyan passed in Criminal Bail Application No.886 of 2021 on 21st June, 2021 wherein co-accused, Ajay Govind Pawar is ordered to be released on regular bail.

4. The submissions are, the applicant is entitled to be released on regular bail in view of parity claimed, based on the aforesaid order of release. Further contention is, the allegation in the F.I.R. against the applicant so also in the charge-sheet are in relation to aiding the main accused in procurement of firearm.

5. The aforesaid factual matrix is not disputed by the learned APP. The investigation papers divulges that the applicant has not actively participated in the crime in question, however, the role attributed to him is acting in helping main accused for procurement of firearm alongwith co-accused Ajay Pawar.

6. As observed hereinabove, Ajay Pawar, co-accused is

ordered to be released on bail by the Sessions Court. In the aforesaid background, considering the role attributed to the applicant in the crime in question and the fact that similarly placed accused is already ordered to be released, the applicant deserves to be released on regular bail. As such, the application is allowed by following order :

ORDER

(I) Applicant namely Jayesh @ Jaya Halya Jadhav be released on bail in connection with Crime No. I-60/2021, registered with Khadakpada Police Station, Kalyan for the offences punishable under Sections 302, 307 of Indian Penal Code, 3, 25, 27 of Indian Arms Act and 37(1), 135 of Maharashtra Police Act on his executing P.R. bond of Rs.25,000/- with solvent surety in the like amount.

(II) He shall attend concerned Police Station twice in a month i.e. on every 1st and 15th date of each month in between 11.00 am. to 1.00 pm. till further orders.

(III) Bail in lower Court.

(NITIN W. SAMBRE, J.)