

NSC.

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

***CRIMINAL BAIL APPLICATION NO.2234 OF 2019***

|                          |               |
|--------------------------|---------------|
| Yogesh Bhau Gurav        | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Ms. Harjeet Kaur, for the Applicant.

Mr. S. V. Gavand, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 27<sup>th</sup> JANUARY, 2021***

**P.C. :**

1            Heard learned Counsel for the parties.

2            By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 388 of 2017 registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 399, 402, 120B of the Indian Penal Code; under Sections 3(25), 4(25) of the Arms Act and under Sections 37(1) r/w 135 of Maharashtra Police Act.

3            Learned Counsel for the applicant submits that the allegations as against the applicant are false and baseless. She further submits that

similarly placed co-accused against whom there is recovery of country made revolver with live cartridges have been released on bail.

4            Learned APP opposed the application. He submits that the applicant is undergoing life imprisonment and that whilst on parole the applicant has committed the aforesaid offences.

5            Perused the papers. It is the prosecution case that on 8<sup>th</sup> August 2017 at about 6.30 p.m., the first informant received a secret information that some accused were coming to Laxmi Petrol Pump, Maan for committing dacoity. It is alleged that at about 8.00 p.m. the first informant alongwith other police staff stopped at a distance of about 100 meter from the said petrol pump and called two panch witnesses. It is further alleged that at about 9.15 p.m. 2 four-wheelers and 2 two-wheelers came at the said petrol pump and that the accused alighted from their vehicles. It is alleged that the accused were discussing something and that one of the persons was giving instructions to the others about going in the cash room and for keeping a watch on the customers. It is alleged that instructions were also given to fire revolver in the event, any one obstructed them. According to the prosecution, the police after confirming that the said persons had gathered to commit dacoity apprehended the accused including the

applicant and seized 6 country made revolvers, 28 live cartridges and 5 scythes from them. According to the prosecution all the accused including the applicant had gathered to commit dacoity. There is recovery of one country made revolver with 6 live cartridges from the applicant. There are recoveries of country made revolvers and live cartridges from the other co-accused, who have been released on bail. According to the prosecution, the applicant has committed the said offence after his parole period had expired. It appears that as the applicant did not surrender, C.R. No.96 of 2017, was registered against him for the alleged offence punishable under Section 224 of the Indian Penal Code. Learned Counsel for the applicant has produced the order dated 5<sup>th</sup> December 2020 to show that the applicant has been released on bail in the said C.R. No.96 of 2017. The said order dated 5<sup>th</sup> December 2020 is taken on record. The applicant is a life convict and is presently serving life imprisonment.

6           Considering that the other co-accused who are similarly placed as the applicant have been released on bail in the present C.R., the applicant is also entitled to bail on the ground of parity. Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions:-

**ORDER**

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/- with one or two local solvent sureties in the like amount;

(ii) The applicant shall not leave Pune District without the prior permission of the trial Court;

(iii) The applicant to cooperate with the conduct of the trial.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

***REVATI MOHITE DERE, J.***