

NSC.

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

***CRIMINAL BAIL APPLICATION NO.3642 OF 2019***

Vijay Arya Aiyar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. R. D. Suryawanshi, for the Applicant.

Mr . P. H. Gaikwad-Patil, 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. I-739 of 2018 registered with the Manpada Police Station, Thane, for the alleged offences punishable under Sections 392 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused – Gurpreet Singh Kuldeep Singh has been enlarged on bail by this Court (Coram: S. K.

Shinde, J.) vide order dated 4<sup>th</sup> November 2019, passed in Criminal Bail Application No.2227 of 2019. He submits that after the applicant was arrested in connection with the aforesaid C.R., he was transferred and arrested in other 4 - 6 C.Rs, in which he was allegedly involved. He submits that it is not the prosecution case that whilst on bail, the applicant has committed the other offences.

4. Learned APP opposed the application. He submits that there are similar cases registered as against the applicant i.e. 4 cases.

5. Perused the papers. According to the complainant – Bankatsingh Rajput, when he was riding a motorcycle on 26<sup>th</sup> December 2018, he was accosted by two persons. Initially, the complainant has stated that he was carrying a sum of Rs.1,10,000/-, however, in the supplementary statement, he has stated that he was carrying a sum of Rs.12,91,000/-. According to the complainant – Bankatsingh Rajput because of the accused, he fell down and when he fell down, one of the persons snatched a bag containing Rs.1,10,000/-, which was subsequently in the supplementary statement stated to be Rs.12,91,000/-. All the 3 accused in the said case were arrested on 29<sup>th</sup> December, 2018. There is recovery of Rs.3,20,000/-, at the instance of the applicant. It appears that in the Test Identification

Parade, the applicant was identified by the complainant/first informant. The role of the applicant is similar to that of the co-accused – Gurpreet Singh who has been enlarged on bail by this Court (Coram: S. K. Shinde, J.) vide order dated 4<sup>th</sup> November 2019. It appears that Gurpreet Singh was also identified in the Test Identification Parade and there was recovery of Rs.4,81,000/-, at his instance. The said accused also had antecedents. As noted above, after the applicant was arrested in the aforesaid C.R, he was transferred in the other C.Rs and as such it is not a case that whilst on bail, the aforesaid offences have been committed by the applicant. It appears that the applicant is on bail in all the other cases in which he was arrested after his arrest in the present C.R.

6. Considering the aforesaid, on the ground of parity, 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 more local sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station

on the first Saturday of every month between 10:00 a.m. to 11:00 a.m.  
till the conclusion of the trial;

(iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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.***