

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1515 OF 2021

Madhukar s/o. Pandurang Bhakre ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.S.S.Gangakhedkar, Advocate for applicant
Mr.R.B.Bagul, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 14, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.174 of 2018 registered with Gangakhed Police Station, Gangakhed, Dist. Parbhani, for the offences punishable under Sections 406, 420, 467, 468, 471 read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. This Court had already rejected the applicant's prayer for bail on merit. Merit of the matter could not again be gone into. Present application has been moved mainly on the ground of parity since the co-accused (A-1) has been granted bail by the Apex Court.

4. Learned APP tried to distinguish the role between the applicant herein and the co-accused released on bail.

5. The facts indicate that both accused no.1 and present applicant were arrested way back in July, 2018. The allegations against both of them are similar. Name of present applicant did not figure in the FIR.

6. A copy of the order of the Apex Court granting bail to the co-accused is placed on record. The co-accused has been granted bail in view of the fact of he having been in custody since 17.07.2018. Present applicant has also been behind the bars since then.

7. In view of the ground of parity, present application is allowed in terms of the following order:-

(i) The applicant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount in connection with Crime No.174 of 2018 registered with Gangakhed Police Station, Tq.Gangakhed, Dist. Parbhani, for the offences punishable under Sections 406, 420, 467, 468, 471 read with Section 34 of Indian Penal Code.

(ii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP