

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

CRIMINAL BAIL APPLICATION NO.263 OF 2022

Veerpratapsingh Mahadev Singh Applicant

versus

State of Maharashtra Respondent

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- Mr. Kunal D. Ambulkar, Advocate for Applicant.
- Mr. P. H. Gaikwad, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th OCTOBER, 2022

P.C. :

1. This the second application for bail. On the first occasion the Applicant had filed Criminal Bail Application No.1017 of 2021. That application was withdrawn on 15.03.2021 after the Court had expressed disinclination. However this second Bail Application is filed in the changed circumstances because two co-accused Shivam Manoj Singh and Sumitsingh Mansinh Singh are granted bail subsequently. Shivam Singh was granted bail vide order dated 15.07.2021 in Bail Application No.1022 and Sumitsingh Singh was granted bail

vide order dated 20.12.2021 passed in Bail Application No.3398 of 2021. Learned counsel is claiming parity with these accused. Therefore I have heard him from that angle.

2. The Applicant was arrested on 16.09.2020. The incident had occurred between night of 14.09.2020 and 15.09.2020. Six persons entered the petrol pump. The manager was shown country-made handgun. The first informant, who was as an employee there, as well as the manager were robbed of their amounts and all of them went away.
3. Heard Mr. Kunal D. Ambulkar, learned counsel for the Applicant and Mr. P. H. Gaikwad, learned APP for the State.
4. Learned counsel for the Applicant submitted that in the Test Identification Parade, the first informant Sachin Pawar had identified the Applicant, but the Manager Krishnath Salunke had not identified him. This aspect was considered by this Court (Coram: Bharti Dangre, J.) vide order dated 15.07.2021

granting bail to Shivam Singh in paragraph 3 of that order. That was one of the considerations on which bail was granted to the said accused Shivam Singh. The role of other co-accused Sumitsingh was even more serious as he had brandished country-made pistol before the Manager. He was granted bail by this Court (Coram: V. G. Bisht, J.) vide order dated 20.12.2021 in Bail Application No.3398 of 2021. He was not identified by both of them in his Test Identification Parade. Learned counsel submitted that considering the lesser role attributed to the present Applicant, according to the prosecution case, he deserves to be released on bail on the ground of parity.

5. Learned APP opposed this Applicant. However, he could not make any submissions regarding the parity being applicable to the present Applicant.

6. With the assistance of both the learned counsel, I have perused the charge-sheet. The FIR is lodged on 15.09.2020 by Sachin Pawar, who was employed with that Petrol Pump. The

FIR is lodged vide Crime No.392/2020 registered at Umbraj police station on 15.09.2020 under Sections 395 and 397 of the Indian Penal Code. He has stated that around mid-night six unknown persons came on two motorcycles. One of them showed the weapon to the Manager Krishnath Salunkhe. The first informant and his manager tried to resist. Because of the show of weapon and also because one person from them gave blow on the head of the first informant, they stopped resisting. The accused removed around Rs.25,000/- and two mobile phones in the robbery and then they went. Similar is the statement of the Manager Krishnath Salunkhe. There is a recovery at the instance of present Applicant of Rs.2,500/-. However, that by itself cannot connect him with the offence.

7. Considering this material, the ground of parity now is available to the Applicant and he can be given the same benefit of bail as was granted to his co-accused Shivam Singh and Sumitsingh. Similar conditions which are imposed on Shivam

Singh can be imposed on the present Applicant. In view of this following order is passed :

ORDER

- (i) Application is Allowed.
- (ii) In connection with Crime No.392/2020 registered at Umbraj police station, Tal. Karad, District Satara, the Applicant is directed to be released on bail on his furnishing P.R. bond to the extent of Rs.30,000/- (Rupees Thirty Thousand only), with one or two local sureties (from the State of Maharashtra) in the like amount.
- (iii) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him from disclosing the facts to Court or any police officer and shall not tamper with the prosecution evidence.

- (iv) The Applicant shall supply his contact number and place of residence to the Investigating Officer.
- (v) The Applicant shall mark his attendance in the Umbraj police station on first Monday of every month, since he is a resident of Uttar Pradesh; this will ensure his presence in the State for trial.
- (vi) The Applicant shall not leave the jurisdiction of State of Maharashtra, without prior permission of the trial Court.
- (vii) Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)