

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

**CRIMINAL BAIL APPLICATION NO. 2957 OF 2021**

Manoj @ Dayawan Balu Sathe

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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Mr. Ganesh Bhujbal, Advocate for the Applicant.  
Ms M. R. Tidke, APP for the Respondent-State.

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**CORAM : VINAY JOSHI, J.**

**DATE : 20<sup>th</sup> APRIL, 2022.**

**P.C.:**

. By This Application, the applicant is seeking regular bail in Crime No. 421 of 2020 registered at Daund Police Station, District Pune, for the offences punishable under Sections 394, 395, 397, 120(B) r/w 34 of the Indian Penal Code.

2. The prosecution case in short is that the Informant was proceeding to Solapur by truck alongwith cash amount of Rs.29,74,000/- to purchase maize. During meantime, four unknown dacoits assaulted the Informant's driver Ganesh and looted cash amount on the point of deadly weapon. It is the applicant's case that absolutely there is no evidence against him. The TI parade is defective as same dummies were used and two suspects were placed in one TI parade. Moreover, bail is also claimed on the ground of

parity by contending that co-accused Jadya Alias Paigambar Tayyub Mulani was released on bail by this Court.

3. Perused police papers and bail order passed by this Court dated 05<sup>th</sup> April, 2022. FIR was against unknown persons. The only material emerges against the applicant is about size of cash amount, sickle and prior TI parade. It reveals that TI parade was not conducted as per the set procedure since two suspicious put in same TI parade and the same dummies were used twice. It reveals that the co-accused Jadya Alias Paigambar, who was also identified in such TI parade, was released on bail. The similar cash amount like released accused was sized at the instance of the applicant. The prosecution is unable to point out any reason to distinguish the case of the applicant for invoking the rule of parity.

4. Investigation is completed and charge-sheet is filed. The trial will take its own time for disposal. Having regard to all above, circumstances including nature of material, the applicant can be released on bail by putting him on certain terms. In view of that, following order:

### **ORDER**

- i) The Criminal Bail Application is allowed.
- ii) The Applicant Manoj @ Dayawan Balu Sathe be released on bail in Crime No. 421 of 2020 of Police Station Daund, District Pune, on executing a P.R. bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- iii) The Applicant shall furnish his permanent address with

proof to the satisfaction of the learned Sessions Judge.

iv) The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial, unless exempted.

v) The Applicant shall not directly or indirectly make any attempt to contact or otherwise tamper with the prosecution evidence or witnesses.

vi) The Applicant shall not indulge into any similar offence, while on bail.

vii) In the event of breach of any of the condition, prosecution is at liberty to seek cancellation of bail.

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

ix) The Criminal Bail Application is disposed of, in the aforesaid terms.

**(VINAY JOSHI, J.)**