

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO. 3060 OF 2018**

Yug S/o Ravindrapalsingh Tuli

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rajiv Chavan Senior Advocate, Mr. Aniket Nikam, Mr. Rohan Mahadik, Mr. Ameya Lambhate, Ms. Priyanka Chavan, Ms. Shailja Patel i/b The Juris Partners for Applicant.

Mr. Prakash L. Shetty, SPP a/w Mr. Rohan R. Chauhan, Mr. Krishna L. Sarkate for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 22nd June 2022.

PC. :

. This is a consecutive application for bail.

2. Heard, Mr. Chavan, learned counsel for Applicant, Mr. Prakash Shetty, learned SPP for the State. Perused record produced before this Court.

3. Record indicates that, the earlier Application i.e. Bail Application No.931 of 2018, preferred by the Applicant was rejected by this Court by its Order dated 27th April 2018. The said Order was challenged before the Hon'ble Supreme Court by way of Petition for Special Leave to Appeal (Criminal) No. 3911 of 2018. The Hon'ble Supreme Court by its Order dated 29th May 2018 was pleased to dismiss the said petition, however granted

liberty to the Applicant to move a fresh Application for bail after three months.

4. Applicant accordingly filed an Application for bail below Exh.84 before the Trial Court. The Trial Court by its Order dated 24th October 2018, rejected the said Application. Applicant, thereafter, preferred Petition for Special Leave to Appeal (Criminal) No. 9685 of 2018 in the Hon'ble Supreme Court challenging the said Order dated 24th October 2018 passed by the Trial Court. It was submitted before the Hon'ble Supreme Court that, the present Application is pending for hearing before the High Court and next date of hearing shown as per the website is 4th January 2019. The Hon'ble Supreme Court having regard to the peculiar facts of the present case and also the fact that the Applicant was in Jail for almost 11 months, directed to release the Applicant on interim bail till matter is taken up by the High Court. In this brief background, present Applicatin is taken up for hearing today.

5. Mr. Chavan, learned senior counsel appearing for the Applicant submitted that, all the accused in the present case have been released on bail either by the Trial Court or by this Court or by the Hon'ble Supreme Court and it is the Applicant whose Application for bail is still pending for final adjudication. He submitted that, the co-accused namely Yug Pathak, who was partner of the Applicant in the restaurant Mojo's Bistro has been released on bail by the Hon'ble Supreme Court by its Order dated 14th December 2018.

He submitted that, the Applicant is similiary situated and deserves to be released on bail on the ground of parity. He therefore submitted that, the present Application may be alllowed by granting bail to the Applicant.

6. Mr. Shetty, learned SPP appearing for the State with his usual fairness at command submitted that, all the accused persons in the present crime including co-accused Yug Pathak who is similarly situated have been released on bail.

7. Perusal of record indicates that, co-accused Yug Pathak is similarly sitauated as of Applicant. The allegations against the said accused and Applicant are similar. As noted earlier co-accused Yug Pathak has been granted bail by Hon'ble Supreme Court by its Order dated 14th December 2018. The Applicant is on interim bail since December 2018 and there is no report of breach of any of the conditions imposed upon him. As noted earlier, Applicant is similarly situated with co-accused Yug Pathak and therefore deserves to be released on bail on the ground of parity.

8. In view of the above, the Applicant is released on bail as per the condition imposed by the Trial Court by its Order dated 7th December 2018 and modified by Order dated 10th December 2019.

9. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]