

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (BA) No.448/2022

Taher Ahmad Jamir Ahmad V State of Maharashtra thr PSO PS Malkapur, Buldhana

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.G. Joshi, Advocate for applicant.

Shri V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 01-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0090/2022 dated 23-02-2022 registered with Police Station Malkapur City, District Buldhana for the offences punishable under Sections 489-B and 489-C of the Indian Penal Code.

2. The learned Counsel for the applicant submits that all the other accused persons have already been released on bail as such he seeks parity in this case.

The learned Counsel for the applicant further argues that the applicant is in jail since 08-03-2022 and as the chargesheet has already been filed, further custody of the applicant is not necessary.

3. The learned APP opposes the application.

4. I have perused the chargesheet and the orders granting bail to the co-accused.

From the record it appears that two accused persons have been granted bail by this Court, whereas another four co-accused have granted bail by the learned trial Court. Considering the role of the present applicant and the role of the other accused persons who have released on bail, I find no difference in it. Accordingly, the applicant is entitled for parity.

5. Moreover, as the chargesheet is filed and further custody of the applicant is not necessary, I am inclined to grant bail to the applicant. Hence, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0090/2022 dated 23-02-2022 registered with Police Station Malkapur City, District Buldhana for the offences punishable under Sections 489-B and 489-C of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii) The applicant shall not tamper the prosecution evidence, nor shall undue influence the prosecution witnesses in any manner.

iv) The applicant shall attend the concerned Police Station on every Monday and Thursday between 1.00 pm to 5.00 pm. and shall render all cooperation to the prosecution.

v) In case, during the course of investigation, the prosecution comes across any material implicating the applicant, the prosecution shall be at liberty to apply for cancellation of bail.

vi) After the chargesheet is filed, the applicant shall attend the learned Sessions Court on each and every date and shall ensure that the trial is not protracted on his count.

vii) Any violation of the above conditions shall result in cancellation of bail.

(Anil S. Kilor, J.)