

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 72 OF 2023**

Omkar Suresh Ghule

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Aniket Vagal a/w Mr. Kunal Pednekar for the Applicant.
Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 FEBRUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 201 of 2020 registered at Haveli Police Station, Pune for the offences punishable under Sections 307, 384, 385, 387, 143, 147, 148, 149, 506, 120-B of the Indian Penal Code, Sections 3 r/w. 25 of Arms Act and Sections 3(1)(ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. The bail is sought on the ground of parity.

5. The Sessions Court refused to extend the benefit of parity only on the ground that, the bail to the co-accused Ajay Auratkar and Uday Sonawane was granted prior to invocation of the offences under the MCOC Act. However, fact remains that the prosecution has not moved an application for cancellation of bail of the said co-accused after the invocation of the offences under MCOC Act. It is not disputed that the role attributed to the said co-accused and the present applicant is identical.

6. Apart from the above, the applicant is in jail for about three years. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant- Omkar Suresh Ghule shall be released on bail in Crime No. 201 of 2020 registered at Haveli Police Station, Pune for the offences punishable under Sections 307, 384, 385, 387, 143, 147, 148, 149, 506, 120-B of the Indian Penal Code, Sections 3 r/w. 25 of Arms Act and Sections 3(1)(ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999 on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)