

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

CRIMINAL BAIL APPLICATION NO. 478 OF 2022

Sagar Yadya Pawar	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Zaid Anwar Qureshi for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.
Mr. D. A. Pomne – PSI Daunt Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C. R. No. 205 of 2017 registered with Daund Gramin Police Station, Daund Dist - Pune for the offence punishable under Sections 395 and 397 of Indian Penal Code (for short “IPC”) read with Sections 3(1)(i), 3(1)(ii), 3(4) of Maharashtra Control of Organized Crime Act, 1999 (for short “MCOCA Act”).

2. It is prosecution’s case that on 16th April, 2017, applicant and co-accused have forcefully entered in the house of complainant

and by force, they demanded ornaments and cash. They assaulted complainant and her family members and robbed the gold ornaments and cash. Initially complaint was lodged against the five unknown persons. In investigation police arrested applicant and co-accused in connection with the present crime.

3. It is contention of learned counsel for the applicant that five accused were arrested in connection with the present crime out of which four co-accused have been released on bail; one by this Court and other three by the trial Court. At the instance of applicant one gold ornament has been recovered. The accused who have released on bail, from their instance some gold ornaments were also recovered and they have been released on bail. Hence, applicant is entitled for bail on parity.

4. Learned APP fairly submitted that applicant is entitled for parity.

5. I have heard both learned counsel. Perused FIR and charge-sheet. The co-accused have been released on bail. The role

attributed to co-accused and applicant is same. Hence, applicant is entitled for bail on principle of parity.

6. In view of above, I pass following order.

ORDER

- i. Applicant be released on bail in Crime No. 205 of 2017 registered with Daunt Gramin Police Station, Daund. Dist – Pune, on his executing P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in like amount.
- ii. The applicant shall not tamper with prosecution evidence.
- iii. The applicant shall attend the Court proceedings regularly.
- iv. Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- v. It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law,

uninfluenced by the observations made in this order.

- vi. The application is allowed in the aforesaid terms and stands disposed off accordingly.

(SHIVKUMAR DIGE, J.)