

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1657 OF 2022

Rohit Dilip Soni

...Applicant

V/s.

The State of Maharashtra

... Respondent

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KAMBLE

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Mr.R.D. Suryawanshi, for the Applicant.

Ms.P.N. Dabholkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th OCTOBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.663 of 2020 registered with Mahatma Phule Chowk Police Station, Kalyan, for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code ('IPC' for short) and Section 142 of the Maharashtra Police Act.

2. It is prosecution's case that, Applicant and co-accused have snatched the gold chain from the neck of first informant and when first informant resisted, they assaulted first informant with

knife. It is further alleged that, Applicant had assaulted the friend of first informant, who tried to save the first informant from Applicant and co-accused.

3. It is contention of the learned counsel for the Applicant that, the co-accused who had assaulted the first informant and against whom allegations are that he snatched the gold chain from the neck of the first informant has been released on bail by the Trial Court. The role attributed to the Applicant is lesser footing in compared to the the co-accused. Hence, requested to allow the Application on the principle of parity.

4. It is contention of the learned APP that, Applicant had assaulted the friend of first informant. Applicant was part of the group who robbed the gold chain from the first informant on the point of knife. There is involvement of the Applicant in the said crime. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. In complaint it is alleged that, Applicant and co-accused forcefully tried to snatch gold chain from the neck of the first informant, at that time, Accused Vishal assaulted on the right hand of the first informant and accused Shehbaj had caught hold her. Applicant had assaulted the lady who had come to save the first informant. The co-accused Vishal and Ganesh have been released on bail. The role attributed to the present Applicant is lesser in comparison to the accused Vishal. The Applicant is behind bar more than 2 years and 7 months.

7. Considering the above facts, Applicant is entitled for bail on the principle of parity.

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

ORDER

(i) The Applicant be released on bail in Crime No.663 of 2020 registered with Mahatma Phule Chowk Police Station, Kalyan on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

- (ii) After his release from jail the Applicant shall attend the Mahatma Phule Chowk Police Station, Kalyan, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)