

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3090 OF 2022

1. Ajay Harikishan Gupta
2. Sanjay Nago Paradhi

....Applicants

Versus

The State of Maharashtra

...Respondent

Mr. A. S. Khandeparkar, Senior Advocate with Mr. Saurabh Mittal, Mr. Rohit P. Mahadik, Mr. Rushikesh G. Bhagat, Mr. Vaibhav Kulkanri, Apoorva Khandeparkar and Mr. Farhan Shaikh, i/b. Khandeparkar and Associates, Advocates for the Applicants.

Ms. Anamika Malhotra, APP for Respondent-State.

Mr. Waman, PSI, Kulgaon Police Station, present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th OCTOBER, 2023.

P.C. :

1. By this application, applicants are seeking bail in Crime No.I-35 of 2017 registered with Kulgaon Police Station, for offences punishable under Sections 147, 148, 149, 307, 332, 333, 353, 395, 427, 504, 506 and 120-B of Indian Penal Code, 1860 and Sections 37(1) (3) of Mumbai Police Act and Section 4, 25 of Indian Arms Act

and Sections 3(I) (II) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is the contention of learned counsel for applicants that one accused is released on bail by this Court and three accused have been released on bail by Trial Court. The role attributed to the applicants is lesser than to the one attributed to the accused who have been released on bail. Hence, applicants are entitled for bail on principle of parity.

3. Learned APP, on instructions, fairly submitted that applicants are entitled for bail on principle of parity.

4. I have heard both learned counsel, perused the FIR and charge-sheet.

5. It is prosecution's case that there was dispute between Paradhi family and, on that basis, quarrel took place between them and they had assaulted the police personnel and other persons. Accused No.1 and other accused have been released on bail. The role attributed to the present applicants is lesser than to the one attributed to the co-accused who have been released on bail. Hence, applicants are entitled for bail on principle of parity.

6. Considering the above facts, I pass following order :

ORDER

- (i) Applicants be enlarged on bail on executing P.R.Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.
- (ii) Applicants shall not enter the jurisdiction of Kulgaon Police Station at Badlapur except for attending the concerned police station once in a month i.e. on first Monday between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicants shall inform their latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)