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Ms. Rutuja Ambekar, APP for the State.

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DATED : 20 APRIL 2023

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

2. The applicant came to be arrested in Crime No. 280 of 2020 registered at Yeola City Police Station, Nashik for the offences punishable under Sections 394, 397, 341, 120(b) r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The bail is sought on the ground of parity. The learned counsel for the applicant, in support of the said ground, has placed on record a copy of the order dated 9 January 2023 passed by this Court in Criminal Bail Application No.1316 of 2022. By the said order, this Court has released the co-accused Chetan Pawar on bail.

5. According to the prosecution, on the date of incident, which took place on 01 October 2020, the present applicant and other co-accused accosted the complainant and robbed him of cash amount of Rs. 25000/- and gold ornaments worth Rs.1,05,000/-. It is alleged that while committing robbery, the present applicant assaulted the complainant by knife.

6. The learned APP submits that the benefit of parity can not be extended to the applicant as he assaulted the complainant by knife. It is, thus, submitted that application be rejected.

7. Except the present applicant, all other co-accused are released on bail. The applicant is in jail for about 2½ years. Considering these facts and as there are no other criminal antecedents, I am inclined to release the applicant on bail. Hence, the following order is passed:

(i) Application is allowed.

(ii) The applicant - Santosh alias Sallu Madan Jadhav be released on bail in Crime No. 280 of 2020 registered at Yeola City Police Station, Nashik for the offences punishable under Sections 394, 397, 341, 120(b) r/w. 34 of Indian Penal Code, on furnishing P.R. 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 trial.

(N.R. BORKAR, J.)