

GRM

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

CRIMINAL WRIT PETITION NO. 209 OF 2023

Nilesh Bandu Mhatre ... Petitioner

V/s.

The State of Maharashtra ... Respondent

Ms. Sheetal Nilesh Mhatre, Adv. for the Petitioner.

Mr. A. R. Patil, APP for the State/Respondent No. 1.

Mr. Dayanand Bharati, PSI, EOW/B-1.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 16, 2023

P.C. :

Heard.

1. Pursuant to the order dated 05/12/2022, passed by the learned Additional Sessions Judge in Criminal Miscellaneous Application No. 1214/2022, the petitioner/accused has deposited a cash security of Rs. 5,00,000/-. He has been granted bail on the condition of executing PR Bond of Rs. 3,00,000/- with one or more sureties in the like amount. It is informed on behalf of the petitioner/accused that cash security of sum of Rs. 10,00,000/-, has already been deposited in the learned Trial Court. The petitioner/accused could not arrange for the sureties. He wants some time to furnish sureties in the like amount.

2. Learned Advocate for the petitioner/accused seeks parity since co-accused has been released on bail in the sum of Rs.

1,00,000/-, while the petitioner herein has been directed to furnish PR bond and surety bond in the sum of Rs. 3,00,000/-.

3. Learned APP has been asked to draw distinction between the role played by both the accused. According to him, the petitioner herein has played a greater role and therefore, can not claim parity.

4. Since the co-accused have been enlarged on bail in the sum of Rs. 1,00,000/- and the surety bond in the like amount, on the principle of parity, this Court proposes to allow the petition in terms of prayer clause (a) subject to the cash security deposited in the learned Trial Court shall not be permitted to be withdrawn until the final decision in the matter.

5. Petition stands allowed and disposed of accordingly.

(R. G. AVACHAT, J.)