

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No.88 of 2023

AVINASH S/O UMAASHANKAR BOBDE

VS

STATE OF MAH. THR. PSO PS BALLARPUR DIST.CHANDRAPUR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Atharva Manohar, Advocate for the applicant
Ms H.N. Jaipurkar, APP for the non-applicant/State

CORAM : ANIL S. KILOR, J.

DATED : 27.02.2023

1. The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.530/2020 registered at Police Station Ballarshah, Dist.Chandrapur, for the offences punishable under sections 143, 147, 148, 149, 302, 120-B of the Indian Penal Code and Sections 4/25, 7, 27(3) of the Arms Act.

2. Shri Manohar, learned counsel for the applicant submits that co-accused Aman has been granted bail by this Court vide order dated 16.01.2023. It is submitted that if the case of the present applicant compares with the case of the co-accused Aman, it is on better footing and as the co-accused Aman has already been released on bail, the learned counsel for the applicant is seeking bail on the principles of parity.

3. On the other hand, the learned APP, opposes the present application on the ground that a proposal as regards filing of SLP for cancellation of bail granted to the co-accused Aman, is

pending with the Law and Judiciary Department. It is submitted that considering the nature of offence, this Court may not consider the application of the applicant for grant of bail.

4. I have perused the application, charge sheet and the order dated 16.01.2023 passed by the Co-ordinate Bench of this Court in Criminal Application (BA) No.1450 of 2022 granting bail to co-accused Aman.

5. The role of the applicant can be compared with the role of co-accused Aman from the prosecution story recorded by this Court in the order dated 16.01.2023 in paragraph No.4.

6. Thus, considering the role of the applicant with the role of co-accused Aman, it can certainly be said that the case of the present application is on better footing than co-accused Aman and as the co-accused Aman has already been released on bail. Hence, the applicant is entitled for grant of bail on the principles of parity.

7. As far as the submission of the learned APP that, a proposal for filing SLP against the order dated 16.01.02023 is pending with the Law and Judicial Department, the same cannot be the ground for rejection of application for grant of bail on the principles of parity.

8. In the circumstances, as I have observed that pendency of some proposal for filing of SLP, cannot be a ground to reject bail on the principles of parity, I pass the following order:

- (i) The application is **allowed**.

(ii) It is directed that the applicant be released on bail, in connection with Crime No.530/2020 registered at Police Station Ballarshah, Dist.Chandrapur, for the offences punishable under sections 143, 147, 148, 149, 302, 120-B of the Indian Penal Code and Sections 4/25, 7, 27(3) of the Arms Act, on his furnishing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

(iii) The Applicant shall not enter the territorial jurisdiction of Ballarshah Police Station, District : Chandrapur, pending trial, except once for complying bail conditions.

(iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number (s) to the Investigating officer and the Court concerned, and shall not change the mobile number and the residence without permission of the trial Court.

(v) The applicant shall regularly attend the court and cooperate to complete the trial. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(vi) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer.

(vii) The applicant shall not leave the territory of Chandrapur District without prior permission of the Court, till the trial is over.

(viii) The applicant shall maintain law and order.

(ix) In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both sides.

The Application is **disposed** of in the above terms.

[ANIL S. KILOR, J.]