

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

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CRIMINAL APPLICATION (BA) NO. 103/2023

Prajwal s/o Raju Vijaykar
versus

..Applicant

The State of Maharashtra

Th: Its PS Incharge PS Panchpaoli Dist. Nagpur.

..Respondent

.....
Mr. A.S.Tiwari, Advocate for the applicant

Mr. I.J.Damle, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 24th February, 2023.

PC:

Heard learned counsel for both the sides, at length.

2. This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested on 18.04.2022 in Crime No.515/2022 registered at Police Station Panchpaoli, Nagpur, for the offences punishable under Sections 394, 397 and 120B r/ws.34 of the Indian Penal Code; Sections 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. The prosecution case is that on 16th April, 2022 at about 15:50 to 16.00 hours, three unknown persons snatched gold ornaments weighing about 400-500 grams and silver bricks. The informant's moped was also snatched. Later on, the father of informant-Ketan Kamdar stated that he was carrying 5100 grams of gold, 2500 grams of silver bricks, cash of Rs. 2 lakhs, one mobile and one two wheeler.

4. During investigation, it transpired that as as many as seven persons have participated in the said crime. The present applicant was working in the Goldsmith's shop, named and styled as Deo Jewellers. Chetan Kamdar, the informant's father used to visit the shop named Gurudeo Jewellers situated in front of Deo Jewellers. Chetan Kamdar is / was the goldsmith and used to supply jewellery to the retailers. Thus, the applicant was well aware of movements of Chetan Kamdar. The role assigned to the applicant is that he has given tips to the co-accused who have executed the plan and have stolen the articles.

5. The learned counsel for the applicant submits that the co-accused who was working in Gurudeo Jewellers, is the real brother of the present applicant has allegedly played similar role and that he has been released on bail by this Court vide order dated 09.01.2023 in Criminal Application (BA) No.1327/2022. Accordingly, he submits that the applicant too is entitled to be released on bail on the principles of parity.

6. The learned APP fairly submits that the role played by the present applicant is akin to the role played by Shreyas Vijaykar to whom bail has been granted on 09.01.2023.

7. The charge-sheet has been filed. The charge has not yet been framed. It will take time to commence and conclude the trial. In view of the above and since the co-accused, has been released on bail, there is no reason why the applicant should not get the benefit of parity. The interest of prosecution can be protected by putting the applicant to appropriate terms.

8. Needless to mention, that the observations made hereinabove are for the purpose of deciding this Application only and the trial Court shall not get influenced by it.

9. Hence, the following order :

ORDER

- (i) The Application is allowed.
- (ii) The applicant- Prajwal s/o Raju Vijaykar, be released on bail, in Crime No.515/2022 registered with Police Station, Panchpaoli. Dist. Nagpur for the offences punishable under Sections 394, 397, 120B and 34 of the Indian penal Code and Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, on he furnishing PR. bond in the sum of Rs. 25,000/- (Rupees twenty five thousand) with one or two sureties in the like amount.
- (iii) 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(s) and the residence till the final disposal of the case.
- (iv) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.
- (v) 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.
- (vi) The applicant shall maintain law and order.
- (vii) In case of breach of any condition, the learned trial Court is at

liberty to cancel the bail after giving opportunity of hearing to both the sides.

The Application is disposed of in the above terms.

[ANIL L. PANSARE, J.]

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