

The State of Maharashtra ... Respondent

3. Learned counsel for the applicant submits that two co-accused persons have been released on bail. It is submitted that, since the role of the co-accused who have been released on bail and role of the applicant is similar, the applicant is entitled to release on the principles of parity.

4. Learned APP fairly submits that the role of the present applicant and co-accused, Prashant is similar. Whereas case of the co-accused, Vaibhav was granted bail because his name was added after five months of the incident and he was arrested after two years after adding his name.

5. In the present matter nothing is pointed out to show that there are antecedents or the applicant has committed other offences along with the gang. The present offence is the only offence which was alleged to have committed by the applicant along with gang.

6. In the present matter the applicant is claiming parity. Moreover, considering the fact that *prima facie* there is no sufficient material against the applicant, I am of the opinion that there is a reason to believe that the applicant is not involved in the alleged crime and he would not repeat the similar crime if he is released on bail, Hence, I am of the opinion that the applicant is entitled for grant of bail on following terms.

ORDER

- i) Criminal Application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.124 of 2019, registered with Vishrambag Police Station for the offences punishable under Sections 302, 307, 120-B, 109, 143, 148, 149, 323, 504, and 506 of the Indian Penal Code and Sections 4 (25) and (27) of the Arms Act and Section 37 (1) r/w 135 of Maharashtra Police Act and Sections 3(1) (i), 3(1) (ii), 3(2), and 3(4) of Maharashtra Control of Organized Crime Act, (MCOC), Act on furnishing P.R.Bond of Rupees Fifty Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the concerned Police Station on 1st and 16th day of every month between 1.00 p.m. to 4.00 p.m., till the trial is concluded;
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence;

vi) The applicant shall attend the trial before the Special Court regularly on every date unless exemption is granted by the Special Court.

7. The Criminal Application is disposed of accordingly.

(ANIL S. KILOR, J)