

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1498 OF 2024

Mukhtar Husain Israr Husain @ ... Applicant
Mukhtar Katya

V/s.

The State of Maharashtra ... Respondent

Mr. Maehndra N. Sandhyanshiv, for the applicant.

Mr. Pankaj P. Deokar, for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATE : 28TH JUNE, 2024.

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PC:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. I- 15 of 2023, registered with Pawarwadi Police Station, Malegaon, Dist: Nashik for the offences punishable under Section 399 of the Indian Penal Code (for short, 'IPC') and Sections 3/25 and 4/25 of the Arms Act.

3. The learned counsel for the applicant submits that out of 5 total accused persons 4 have been released on bail. It is submitted that the role of the applicant and other co-accused are similar. He,

therefore, submits that the applicant is entitled for grant of bail on the principles of parity. It is further submitted that, even otherwise the charge-sheet has been filed, further custody of the applicant is not necessary.

4. On the other hand, the learned APP strongly opposed the application and submits that there are antecedents. It is pointed out that there are 8 cases against the applicant, of all similar natures. He, therefore, submits that if the applicant is released on bail there is every likelihood that he may commit other offence. He further submits that the material collected by the IO shows *prima facie* involvement of the applicant.

5. Considering the material available on record to show the *prima facie* involvement of the applicant. I am of the opinion that since there are antecedents of similar nature, the parity as claimed by the applicant, cannot be granted.

6. Considering the fact that there are 8 cases registered against the applicant of the similar nature in the past, I am of the opinion that there is every likelihood that if the applicant is released on bail he may repeat the offence.

7. In that view of the matter, I am not inclined to grant bail. Hence, it is **rejected**.

(ANIL S. KILOR, J)