

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1768 OF 2024

Ganesh @ Bala Bhausahab Bhosale	Applicant
versus	
The State of Maharashtra	Respondent

Mr. Kuldeep Nikam, Advocate for Applicant.
Mrs. S. M. Yadav, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 16th July, 2024.

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1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.665 of 2021 registered with Yawat Police Station, District Pune for the offences punishable under Sections 392, 395, 120-B, 170 and 171 of the Indian Penal Code.
3. The only ground on which the Applicant is seeking bail is on the principle of parity. It is submitted that the co-accused Tushar Baban Tambe has been released on bail by Hon'ble Supreme Court of India. It is submitted that his role and the role of Applicant is similar.

There is no denial to this fact by learned APP.

4. In the present matter, the allegations are that the informant Hitendra Balasaheb Jadhav was working with a courier company. On 2nd August 2021 at about 05:00 p.m. when the informant was travelling with cash of Rs.26 lakh in a State Transport bus along with witness Vikas Janardan Bobade, another witness Santosh Manohar Bobade boarded the bus. Around 01:15 a.m. the bus was halted and three persons boarded the bus. They inquired with the conductor about the passengers having pass. On being pointed out by the conductor towards informant and other witnesses, the persons assaulted and dragged them out of the bus. They took bags containing cash and mobile phones from the informant and other witnesses and told them that police patrolling vehicle would be coming and they need to see them at police station. Two persons ride army colour Bullet motorcycle and two persons fled on a scooty-like motorcycle.

5. As the role of Applicant and the role of co-accused Tushar Baban Tambe is similar, who is released on bail vide order dated 7th February 2024 by the Hon'ble Supreme Court of India in case of *Tushar Vs. The State of Maharashtra* in **Criminal Appeal No.708 of 2024 (SLP [Cri] No.12646/2023)**.

6. In that view of the matter, I proceed to pass following order:

ORDER

- (i) Criminal Bail Application is allowed.
- (ii) It is directed that the applicant shall be released on bail in Crime No. 665 of 2021 registered with Yawat Police Station, District Pune for the offences punishable under Sections 392, 395, 120-B, 170 and 171 of the Indian Penal

Code on furnishing PR.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall attend Yawat Police Station on 1st and 16th day of every month between 12:00 noon and 2:00 pm till conclusion of the trial;

(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 trial Court regularly on every date unless exempted by the trial Court for any reason.

(ANIL S.KILOR, J.)