

Tushar Ashok Bhagat	...	Applicant.
V/s.		
The State of Maharashtra	...	Respondent.

DATED : AUGUST 21, 2024.

1. Heard.

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3. This Court granted bail to co-accused Vedant Kamlakar Gharat vide order dated 19/06/2024 in Criminal Bail Application No. 70 of 2024. The applicant is claiming parity.
4. The learned APP while opposing the present application states that the applicant is in contact with the main accused who is a Gang Leader from the year 2019 and there is a witness Megha @ Manisha Mandal who has stated in her statement about the said fact. She further points out that gold was recovered from the applicant. However, she could not point out that in the present matter whether there is any compliant as regards the stealing of gold.
5. As far as the role of the co-accused Vedant Gharat and the applicant is concerned, it is similar. Furthermore, there are no antecedents against the applicant either with the gang or individually. In the circumstances, only on the ground that the applicant was in contact with the main accused since 2019 and some gold was recovered from him, which is admittedly not connected with the present offence, the bail cannot be denied on the ground of parity.
6. Thus, in absence of any sufficient evidence against the applicant there is a reasonable ground to believe that the applicant is not involved in the present offence and in absence of any antecedent, there is no possibility that if the applicant is released on bail he will commit similar offence.

7. In that view of the matter, I pass the following order:

- i) The Criminal Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.268 of 2022, registered with Police Station, Navi Mumbai for the offences punishable under Sections 386, 506, 120-B, 201 read with Section 34 of the Indian Penal Code and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organised Crime Act, 1999, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter within the territorial jurisdiction of Navi Mumbai, Raigad and Thane Police Stations, till conclusion of the trial, except for attending the trial.
- iv) The applicant shall attend the Police Station on 1st and 16th day of each month between 11:00 am and 12:00 noon, till conclusion of the trial.
- v) 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;
- vi) Liberty is granted to the State for cancellation of bail if the applicant commits similar offence or breaches any of the conditions.

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

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)