

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2731 OF 2024

Mitesh Ishwarbhai Patel, Age 35 years,
Occ.Business, R.o.Kumbhar Falia,
Kocharva, Vapi, Dist.Valsad, Gujarat
(Presently at Navsari Jail)

Applicant

versus

1. The Union Territory of Daman @ Diu
through Nani Daman Police Station, Daman

2. The State of Maharashtra

Respondents

Mr.Ratnish Shobhnath Dubey and Ms.Bhagyashri PRoundal for
Applicant.

Mr.Aayush Kedia with Diksha Ramnani h/for H.S.Venegavkar for
Respondentno.1.

Mr.S.S.Ghag, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 4th September 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.32 of 2023 registered with Nani Daman Police Station, Daman for the offences punishable under Sections 143, 149, 307, 352, 34 r/w 120(B) of the Indian Penal Code.

3. Learned counsel for Applicant submits that accused nos.1 to 3 have already been released on bail and the role of Applicant is similar to the accused released on bail. He therefore prays that Applicant may be granted bail on the ground of parity.

4. On the other hand, learned counsel for informant states that Applicant instigated the co-accused and because of that the alleged offence took place and therefore the role of the Applicant is different and therefore he submits that parity will not be applied in this case.

5. In the circumstances having gone through the charge sheet it is evident that Applicant is in jail for more than 14 months and in the mean time charge sheet has been filed. Furthermore, considering the role of the co-accused who have been released on bail, I do not find it is different than the role of Applicant.

6. In the circumstances I am of the opinion that for the reason that charge sheet has been filed and further for the reason that the Applicant's role is similar with the co-accused who have been released on bail, the Applicant is entitled for grant of bail. Hence, I pass following order :

ORDER

(i) Bail Application is allowed and disposed off;

(ii) It is directed that the applicant shall be released on bail in Crime No.32 of 2023 registered with Nani Daman Police Station, Daman for the offences punishable under Sections 143, 149, 307, 352, 34 r/w 120(B) of the Indian Penal Code on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

(iii) The Applicant shall not enter into territorial jurisdiction of Vapi City, Valsad District after being released on bail, except for reporting to the Investigating Officer, if called and for attending the trial;

(iv) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer

and shall keep the same updated, in case of any change thereto;

(v) The Applicant shall report to the Nani Daman Police Station, daman on First Monday of every month between 11.00 a.m and 1.00 p.m until conclusion of trial;

(vi) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any police personnel;

(vii) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the complainant or any witness in any manner;

(viii) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments;

(ix) The Applicant shall surrender his passport, if any, to the Investigating Officer.

(ANIL S.KILOR, J.)

MST