



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.57 OF 2024

SHEIKH SADIQUE @ SADAT SHEIKH MANSOOR ALI
VS
STATE OF MAH. THR. PSO, PS, PUSAD RURAL, TQ. PUSAD DIST. YAVATMAL

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.S. Sheikh, Advocate for applicant
Shri Mayuri Deshmukh, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.
DATED : 04.04.2024

1. The applicant have approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.540 of 2021 dated : 03.12.2021, registered with Police Station : Pusad Gramin for the offences punishable under Sections 143, 147, 148, 149, 188, 323, 307, 302, 504 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.
2. This is a successive bail application after withdrawal of the first application on 05.09.2022 on showing disinclination to grant bail, by this Court.
3. A change in circumstance, accordingly to the applicant, is that after withdrawal of the earlier bail application, this Court has

released two co-accused in the same crime. It is the case of the applicant that the role of the applicant is similar with the role of the co-accused persons, who have already been granted bail. Thus, it is evident that the applicant is seeking bail on parity.

4. After going through the FIR, it is revealed that the allegations against the co-accused Sarvar Khan and the present applicant, are similar.

5. This Court, vide order dated 30.01.2024, granted bail to the co-accused Sarvar Khan in Criminal Application (BA) No.1095 of 2023.

6. The learned APP is not disputing the fact that the role of the present applicant is similar with the role of the co-accused Sarvar Khan.

7. In that view of the matter, I have no hesitation to hold that the applicant is entitled for grant of bail on the principle of parity. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that the applicant shall be released on bail in Crime No.540 of 2021 dated : 03.12.2021, registered with Police Station : Pusad Gramin for the offences punishable under Sections 143, 147, 148, 149, 188, 323, 307, 302 and 504 of the Indian Penal Code and under Sections 4 and 25 of

the Arms Act and under Section 135 of the Maharashtra Police Act, on his furnishing P.R. Bond of Rs.50,000/- with a solvent surety in the like amount.

iii) The applicant shall not enter into the vicinity of Taluka : Mahagaon, District : Yavatmal, till culmination of the trial, except for trial.

iv) The applicant shall provide his address along with the name of nearby police station which he shall attend the concerned Police Station on 1st and 16th day of every month in between 10.00 a.m. to 12.00 noon, till culmination of trial, except 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.

The application is accordingly **disposed of**.

JUDGE