

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2096 OF 2024**

Kannan Murgesh Tevar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr Vaibhav Gaikwad, *for the Applicant.*

Mr Kiran C Shinde, *APP for the Respondent-State.*

Mr A R Pathan, *PSI attached to Sion Police Station, Mumbai
present.*

CORAM DR. NEELA GOKHALE, J.
DATED: 26th SEPTEMBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.95 of 2019 registered with the Sion Police Station, Mumbai, for the offences punishable under Sections 395, 397, 342, 120B read with Section 34 of the Indian Penal Code, 1860 ('IPC' for short) and Sections 3(1)(i), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ('MCOC' for short).

2. It is the case of the prosecution that the Complainant was a manager of Pratishtha Wine Shop opposite Santosh Hotel in Sion, Mumbai. His task was to collect the money from the wine shop and deposit the same at Amrit Bar, Sion, Mumbai after closing the shop at night. On 26th March 2019 after having collected the sale proceeds of the day, the Complainant wrapped an amount of Rs.3,40,000/- in a red colour plastic pack and placed it in the dicky of his motor-cycle. He and his servant were proceeding towards Amrit Bar and reached the said location at about 11.40 pm. The Complainant was thus, just reaching towards the plastic bag kept in his dicky when he was surrounded by several unknown persons. One of the unknown assailants pulled out the pistol and threatened him to give the said bag of money to him. The servant ran away in panic. The second assailant tried to grab the money bag but the Complainant resisted. During the scuffle, another assailant hit the hand of the Complainant with the '*koyta*' (Sickle) and was successful in snatching the money bag. All of them ran away towards the direction of the

road. When the Complainant shouted for help, people from other shops came running. They identified the Honda City/Maruti Esteem car in which unknown assailants fled. Ultimately, the Complainant made police complaint pursuant to which the said FIR was registered.

3. The Applicant filed a Bail Application in Special MCOC Court and by an order dated 23rd November 2022, the said Bail Application was rejected. In these circumstances, the Applicant has approached this Court for the reliefs as prayed.

4. At the very outset, Mr Vaibhav Gaikwad, learned counsel for the Applicant, has tendered an order dated 10th March 2025 passed by this Court in the bail application of co-accused. This Court has enlarged the co-accused on bail on certain conditions. He submits that the role attributed to the co-accused, who has been released on bail, is exactly similar to that of the Applicant. Hence, on the principle of parity, the present Applicant also deserves to be released on bail.

5. On the last date of hearing, when I went through the order passed by the Co-ordinate Bench granting bail to the co-accused, it transpired only Section 397 of the IPC was brought to the notice of the Court, as being charged against the accused. It was perhaps not pointed out that accused are charged even with Section 395 of the IPC, which carried maximum punishment of life imprisonment. The learned APP had thus, sought time to seek modification of the said order.

6. Accordingly, it appears that the APP moved the Co-ordinate Bench by a praecipe for Speaking to the Minutes of the order dated 10th March 2025. Accordingly, by an order dated 18th July 2025, the Co-ordinate Bench added the sentence as follows:

“Section 395 of IPC provides punishment with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.”

7. The Court was not moved to cancel the bail order of the co-accused.

8. In these circumstances, on the principle of parity, I am inclined to grant bail to the present Applicant and it is ordered as under:

ORDER

(i) The Applicant-Kannan Murgesh Tevar be released on bail in Crime No.95 of 2019 registered with Sion Police Station, Mumbai, on furnishing PR bond of Rs.30,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iii) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order;

(iv) The Applicant shall attend concerned Police Station as and when required;

(v) Application is allowed in the aforesaid terms.

(DR. NEELA GOKHALE, J)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
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