

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1462 OF 2006

Machhindra Damu Mhatre

...Applicant

V/s

The State of Maharashtra

...Respondent.

Mr Arfan Sait for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 28th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and

the learned APP for the State.

2. The applicant was arrested in connection with C.R. No.I-122 of 2005 registered with Vithalwadi Police Station for the offence punishable under sections 147, 148, 149, 324, 326, 307 of the Indian Penal Code.

3. The applicant claims bail on the ground of parity. It is submitted that the other co-accused has been released on bail by this Court by order dated 24/4/2006 passed in Criminal Application No. 1461 of 2006.

4. I have perused the said order. In my view, the applicant is entitled to be released on bail on the ground of parity as the same role is attributed to him as was attributed to the co-accused Ramdas Bhoir who has been released on bail by this Court.

5. The applicant, therefore, be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant, however, shall not enter the jurisdiction of Thane District during the pendency of the trial. The applicant shall give his new residential address to the Superintendent of Jail before his release and he shall report to the nearest Police Station from his new address twice in a month.

6. The applicant shall not tamper with the evidence or threaten any of the witnesses. If any complaint is received by the Investigating Officer from any of the witnesses, the Public Prosecutor is at liberty to file an application for cancellation of bail.

7. The trial Court shall not be influenced by any observations made by this Court while deciding this application and the same shall not be construed to mean as an expression of opinion on the merits of the case. The trial court shall decide the case on its

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own merits and in accordance with law.

8. It is clarified that the applicant may enter the jurisdiction of Thane District for the purpose of attending the dates in the Sessions Court.

9. Application is accordingly disposed of.

V.M. KANADE, J.