

Order below Exh.1 in Cri.Bail Appln. No. 387 of 2022
Chopda Gramin Police Station, Taluka Chopda

(1. Vinod Motilal Pawra Vs. The State of Maharashtra)

(CNR No.MHJG010006212022)

1. This is an application u/s. 439 of Cr.P.C. filed by the accused Vinod Motilal Pawra, Age- 25 years, Occu- Labour R/o. Umarti, Tal. Chopada, Dist- Jalgaon for releasing on anticipatory bail in C.R.No.61/2022 of Chopda Gramin Police Station, Tal. Chopda, Dist. Jalgaon for the offence punishable under Secs.399, 402 of Indian Penal Code and section 3/25 of Arm Act.

2. The applicant has contended that as per the police case accused alongwith other accused on 28/05/2022 at about 15.00 hours in the jurisdiction of Chapada Gramin police station on the road of Bor-Ajanti to Vaijapur near Telya Ghat who were ran away by their Scorpio bearing No.MH-12-FU-0061 gather together and they were trying to dacoity with the help of pistol and other articles were found. So police have registered offence u/s. 399, 402 of IPC and u/s.3/25 of the Arms Act.

3. It is further contention of the applicant is that actually the offence under section 3/25 of Arm Acts which is triable by JMFC, but give colour of seriousness offence u/s. 399, 402 of IPC is registered against the accused. The name of applicant / accused as per case of prosecution is involved in the offence as per information given by one of the accused. So there is no direct evidence against the accused. No explanation about the features

of the accused was mentioned in the FIR. So it cannot be said that the accused is the same person who has been absconded at the time when police have arrested the other accused.

4. APP Shri K.R.Bagul for the State strongly objected to release the accused on bail on the ground that offence is of serious nature. Some of the accused were found in possession of the deadly weapon on highway to commit an offence of dacoity. The applicant / accused is absconded. The allegations against the accused is of trying for preparing to commit of offence of dacoity. Hence, application may be rejected.

5. Heard adv Mr.Sachin Patil for the applicant and APP Mr. K.R.Bagul for the State at length. Both of them argued as per contention in the bail application and reply so to avoid repetition. I think the argument advanced both of them are no necessary to reproduce on record to avoid repetition.

6. It is fact that the other accused in the same case were found in possession of fire arms with live cartridges. They are already released on bail. Charge sheet is submitted. Hence, the law of parity applies here and applicant / accused deserves to be released on bail on condition that he will not tampered on on the witnesses. Hence I proceed to pass following order.

ORDER

1. Application is allowed.

2. The accused Vinod Motilal Pawra, Age- 25 years, Occu- Labour R/o. Umarti, Tal. Chopada, Dist- Jalgaon be released after executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount, in C.R.No.61/2022 of Chopda Gramin Police Station, Tal. Chopda, Dist. Jalgaon for the offence punishable under Secs.399, 402 of Indian Penal Code and section 3/25 of Arm Act.

3. Surety be furnished before the trial court.

Date: 11.11.2022

(P.R.Choudhari)
Additional Sessions Judge,
Amalner