



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**BAIL APPLICATION NO. 776 OF 2019
(C. R. No. 577 of 2018 of MIDC Police Station)**

Keshav Teklal Pandit,
Hindu, Aged : 32 yrs.,
R/o : Room No.03, Mahakali Nagar,
Pandey Tiwari Chawl,
Marol Military Road, Andheri East, Mumbai ..Applicant

V/s

The State of Maharashtra
(through MIDC Police Station) ..Respondent

Ld. Adv. Mr. Diwakar R. Singh, for the applicant.
Ld. APP Shri R.C. Savle, for the State.

**CORAM : SHRI S. U. BAGHELE,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.10.**

DATE : 22nd July, 2019.

ORAL ORDER

This is an application for releasing the applicant on bail, in respect of C. R. No. 577 of 2018, registered with MIDC Police Station, relating to the offences punishable under Sections 394, 511, 506(II) r/w

34 of the Indian Penal Code.

2 Perused the application, the say filed thereon and the documents relied upon in support thereof.

3 Heard both the sides.

4 It is submitted by the learned counsel for the applicant that the bail application of the co-accused is allowed, due to which, the applicant is entitled to parity. The learned APP submitted that both the accused committed the offence jointly.

5 The perusal of the record shows that this Court rejected the bail application of the applicant and the co-accused, vide the order dt. 12/04/2019 in B.A. No. 345 of 2019, after the filing of the charge-sheet, on the ground that the offence was serious in nature, and there is every possibility of repetition of the similar crime. If being so, subsequent order of bail could not have been passed, unless there is change in the circumstances. However, it appears that the co-accused moved an application for bail, bearing no. 710 of 2019 and the same is allowed on 5/7/2019, by considering the order of rejection of bail application by the learned Metropolitan Magistrate. The order passed by this Court on 12/04/2019 does not appear to have been considered, while allowing the bail application, due to which and also, due to the fact that the subsequent bail application should not have been allowed without the change in the circumstances, the said order dt. 5/7/2019 is non-est. Perhaps, the factum

of the rejection of previous bail application, even after the filing of the charge-sheet, was not pointed to the Court, by the co-accused. Therefore, the order dt. 5/07/2019, itself being erroneous, there is absolutely no question of the parity to the applicant.

6 As there is no change in the circumstances, after the passing of the order dt. 12/04/2019 in Bail Application No. 345 of 2019, the applicant is not entitled to bail, looking to the gravity pointed out in that order. Hence, I proceed to pass the following order :-

ORDER

- 1) The bail application No. 776 of 2019 is hereby rejected and disposed of accordingly.
- 2) The concerned Police Station be informed accordingly.

Dt. 22/07/2019

(S. U. BAGHELE)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated on : 22/07/2019
Transcribed on : 22/07/2019
Signed on : 22/07/2019

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

24/07/2019 at 5.45 p.m.
UPLOAD DATE AND TIME

Mrs. S.B. Vichare
NAME OF STENOGRAPHER

Name of Judge (with Court

HHJ Shri S. U. Baghele, City Civil & Sessions

room no.)	Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	22/07/2019
JUDGEMENT/ORDER signed by P.O. on	22/07/2019
JUDGEMENT/ORDER uploaded on	24/07/2019