

MHRG170002632020



**IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL RAIGAD**
ORDER BELOW EXHIBIT 35 IN SESSIONS CASE NO.17/2020
(Dated 08/08/2023)

- 1] The applicant/accused No.3 **Paresh Nathuram Koli** is seeking bail as per section 439 of Cr.P.C. in crime bearing C.R. No.110/2019 registered with Nhava Sheva police station for the offences punishable under section 394, 397, 342 r.w.34 of IPC.

- 2] According to prosecution applicant and co-accused had robbed the informant of cash Rs.1,700/- and 10 sarees. It is alleged that, informant was taken in a lonely place, he was tied, assaulted, one of the co-accused inflicted knife injury on his shoulder and was robbed.

- 3] On this report aforesaid crime was registered. The applicant No.3 was arrested on 11/10/2019. He submits that, false FIR is lodged. The offence p/u/sec.397 of IPC is not attracted. Co-accused Sahil Koli is enlarged on bail by the Hon'ble High Court. The applicant is ready to abide all conditions. He pray for bail.

4] Prosecution opposes application by filing say at Exh.37. It is submitted that if bail is granted, accused will tamper in the evidence and may threaten the witnesses. The accused may abscond. It is submitted that, the present accused is a history sitter and he will commit another offence if released on bail.

5] Heard Ld.Adv.Himali Divekar for the applicant.
Heard Ld.APP C.Y.Patil.

6] At the outset it be noted that, co-accused Sahil Sadanand Koli is enlarged on bail by the Hon'ble High Court in Bail Application No.951/2021 dated 23/04/2021. The observations of the Hon'ble High Court are that, "prima facie the evidence does not suggest, the complainant had suffered grievous injuries. Thus, prima facie, offence under Section 397 of the Indian Penal Code is not made out. At this stage, though I have no reason to disbelieve the eye-witness, however, although the investigation is over, trial is not likely to commence in the near future. Applicant is in custody for a year and four months".

7] In view of the aforesaid observations, the principle of parity is applicable to the present applicant/accused No.3. He is in custody since 11/10/2019. Hence, he deserve to be enlarged on bail with conditions. Hence, following order is passed.

ORDER

1. Application – Exh.35 is allowed.

2. **Paresh Nathuram Koli** in crime bearing C.R.No. 110/2019 registered with Nhava Sheva police station for the offences punishable under section 394, 397, 342 r.w.34 of IPC. is hereby released on PB of Rs. 50,000/- along with Surety bond of like amount.
3. Applicant/accused No.3 shall not directly or indirectly induced or threat prosecution witnesses and shall not commit any type of offence.
4. Applicant/accused No.3 shall attend Nhava Sheva police station on every 4th Saturday of the month till further order..
5. Inform concerned police station.
6. Bail before this Court.
7. Copy of order be informed to Jail authorities by E-mail.

Panvel
Date :-08/08/2023.

(Jairaj D.Wadne)
Additional Sessions Judge
Panvel-Raigad

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the stenographer : S.J.Sheth
Name of the Court : Additional Sessions Judge,
Panvel Raigad
Date of dictation : 08/08/2023
Order signed by the P.O.on : 08/08/2023
Order uploaded on : 09/08/2023