

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5721 OF 2015

- 1 Akshay s/o Tiratraj Baviskar, Age 18 years, Occupation Student, Resident of Deo-Pimpri, Phata, Taluka Jamner, District Jalgaon.
- 2 Satish @ Prabhakar Nanda @ Ravindra Mehere, Age 20 years, Occupation Student, Resident of Deo-Pimpri, Phata, Taluka Jamner, District Jalgaon

APPLICANTS

V E R S U S

The State of Maharashtra

RESPONDENT

Mr. Satej S. Jadhav, Advocate for Applicants
Mr. U.S. Mote, APP for Respondent/State

CORAM : INDIRA K. JAIN, J.
DATE : 18th November, 2015

PER COURT :

. Heard Mr. Satej S. Jadhav, learned Advocate for Applicants and Mr. U.S. Mote, learned A.P.P. for Respondent/State. Perused police papers.

2. Applicants are involved in Crime No.72/2015, registered at Jamner Police Station, District Jalgaon, for the offences punishable under Sections 302, 143, 147, 148, 149, 504, 323, 506 of the Indian Penal Code.

3. In pursuant to the First Information Report lodged by one Bhaskar Sadashiv Wagh on 01.05.2015, Applicants were arrested on the same day and since then they are in custody.

4. It is the case of prosecution that Applicants and their associates assaulted Madhukar brother of complainant and caused his death. Witnesses Deokabai Bhagwat Khare and Bhagwat Onkar Khare have stated about the assault on Madhukar with the help of stick.

5. Learned counsel for Applicants submitted that Criminal Application No.5049 of 2015 filed by co-accused Amol Kailas Nikam was allowed by this Court on 12th October, 2015 and on the rule of parity Applicants be released on bail as the allegations against them are almost identical.

6. On perusal of police papers it can be seen that statements of witnesses are contrary to post-mortem report as no external injuries were found at the time of performing post-mortem. Learned counsel for Applicants referred to the C.A. reports in respect of viscera and blood of the deceased. From these C.A. reports it is apparent that alcohol was found in the viscera and blood of the deceased. This creates doubt regarding cause and mode of death of Madhukar.

7. In the light of the above and also on the rule of parity as case against the applicants is almost identical to the case of the Accused released on bail Application deserves to be allowed. Hence the following order.

O R D E R

- I. Criminal Application No.5721 of 2015 is allowed.
- II. Applicant No.1 Akshay s/o Tiratraj Baviskar and Applicant No.2 Satish @ Prabhakar Nanda @ Ravindra Mehere be released on Bail on P.R. and S.B. of Rs.15,000/- each.
- III. They shall not tamper with the prosecution witnesses and shall make themselves available as and when required by the investigating agency and also for trial.

(INDIRA K. JAIN, J.)