

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.6609 of 2014

Manoj s/o Vinod Chavhan. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Nitin V. Gaware, Advocate, for applicant.

Smt. M.A. Deshpande, Additional Public Prosecutor, for respondent.

Shri. S.R. Andhale, Advocate to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 6th JANUARY 2015

ORDER:

1) The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation. Statement is made by the learned counsel for the applicant that, this is the first application filed for bail in this Court and there is no similar application pending in any other Court.

2) Charge sheet is filed for offences punishable under sections 302, 326, 149 etc. of the Indian Penal Code and few sections of the Bombay Police Act. FIR was given by one Dipak Bhingardive, one injured witness. Allegations are made that the incident took place on 6-4-2013 at the gate of the Civil Hospital Ahmednagar. Allegations are made that the main accused Amol Chajlani and Vishal Goher, who had dispute with the deceased Chintu Alhat called him to the gate to settle the dispute. Allegations are made that six accused mentioned in the FIR and their 8 to 10 associates attacked Chintu Alhat, the complainant and Vishal Shinde by using stones etc. Specific allegations are made against Amol Chajlani and Vishal Goher that they assaulted on the head of Chintu. Vague allegations are made against other accused that they assaulted the deceased and injured witnesses. The complainant has made vague allegations against some assailants that they assaulted him. This Court has seen the post mortem report.

3) Name of the present applicant was not mentioned in the FIR and also in the first statement given

by other injured Vishal Shinde to the police. Only after arrest of the present accused, the name of the applicant was informed and then supplementary statements of two witnesses were recorded. It appears that T.I. parade was not held.

4) Learned counsel for the applicant placed reliance on two orders of this Court in which bail is granted to two accused who are named in the FIR and to two other accused who were not named in the FIR but who were named in the supplementary statements. Learned Additional Public Prosecutor was asked to show as to how the case of the present applicant is different from the accused to whom bail is granted by this Court.

5) There are vague allegations against the applicant. Though section 149 IPC is used, the material which include on motive needs to be considered by this Court. This Court holds that on parity bail needs to be granted to the present applicant.

6) In the result, the application is allowed. The applicant is to be released on bail in Crime No.I-151/2013 registered in Topkhana Police Station, Ahmednagar for offences punishable under sections 302, 326, 143, 147, 148, 149 etc. of the Indian Penal Code on his furnishing PR and SB of Rs.30,000/- (Rs. thirty thousand). The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. The applicant is not to enter the Corporation limit of Ahmednagar city as well as Bhingar area where the witnesses are residing till disposal of the case.

Sd/-
(T.V. NALAWADE, J.)

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