

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

CRIMINAL APPLICATION NO. 6136 OF 2015

DINESH SUBHASH NIMBALKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Abhaysinh K. Bhosale.

APP for Respondent : Mr. S. M. Ganachari.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 30th November, 2015.

ORAL ORDER:

. Applicant is involved in Crime No.I-35 of 2015 registered at Veergaon Police Station, Aurangabad for the offences punishable under Sections 307, 326, 341, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2 Heard learned counsel for the parties. Perused case papers.

3 It is the case of prosecution that on 21st April, 2015 Complainant Dattataraya Ambadas Zine resident of Sirasgaon, Taluka Vaijapur, District Aurangabad was proceeding on motorcycle of his friend. That time Applicant and other co-Accused intercepted him, dragged him from motorcycle and assaulted him by means of iron rod,

axe and wooden sticks. Complainant received grievous injuries on his head and leg.

4 It appears from FIR that there is a dispute between Complainant and Accused regarding demarcation of boundaries. Prime Accused Prashant and Ravindra have been released on bail. The role attributed to Applicant is of lesser gravity. Allegations against him in FIR are that he assaulted Complainant with stone on his leg whereas other co-Accused who has been enlarged on bail assaulted with knife on the head.

5 Considering the role attributed to Applicant and since similarly placed Accused have been already released on bail this application deserves to be allowed on the rule of parity. Hence the following order –

ORDER

- I. Criminal Application No.6136 of 2015 is allowed.
- II. Applicant Dinesh Subhash Nimbalkar be released on bail in Crime No.I-35 of 2015 registered at Veergaon Police Station,

Aurangabad for the offences punishable under Sections 307, 326, 341, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code, on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) each.

III. He shall not tamper with the prosecution evidence and shall make himself available as and when required by Investigating Agency.

IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]

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