

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.309/2015

Nitin Ashokrao Dhumal ..vs..State of Maharashtra thr. PSO P.S. Wadgaon Road, Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. A. Naik, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 17, 2015.

Heard learned counsel for the parties. On last date, the learned counsel for the applicant was asked to take instructions whether he wants to withdraw the present application or not. Today, the learned counsel for the applicant produced before me order dated 16.03.2015 below Exh.-15 in Sessions Trial No. 2/2015. Inviting my attention to the said order, he submitted that the other two accused namely; Amol Bobde and Sachin Aglawe were released on bail by the trial court. He submitted that the role of Amol and Nitin, as disclosed by the prosecution, is not at all different. He, therefore, submitted the present applicant is entitled to bail in terms of doctrine of parity.

Per contra, Mr. Khan, learned A.P.P. submitted that the statements of witnesses show involvement of applicant-Nitin in the offence and hence, he is not entitled to bail.

I have perused the statements of three witnesses which shows that the applicant-Nitin has given one blow of knife on the waist of the victim whereas, the number of injuries are twenty three on the vital parts of body i.e. chest, head etc. Looking to the number of injuries sustained by the deceased, I am not inclined to accept the submission of the learned A.P.P. about death caused by the one injury caused by the present applicant.

I have perused the role played by Amol, Sachin and the present applicant. I have also perused the impugned order rejecting the application filed by the applicant-Nitin. The learned Judge has not specified what is the difference between the role played by Sachin and the present applicant. I think, Sachin, who has been released on bail by the Sessions Court, and the present applicant are similarly situated and hence the applicant is also entitled to be released on bail.

In that view of the matter, following order is passed.

ORDER

- (i) Criminal Application No.309/2015 is allowed.
- (ii) Applicant-Nitin Ashokrao Dhumal be released on bail in Crime No.491/2014 for an offence

punishable under Section 302 read with Section 34 of the IPC registered with Police Station, Wadgaon Road, Yavatmal on his furnishing PR Bond in the sum of Rs.20,000/- with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

(iv) The applicant shall not enter the city of Yavatmal during the pendency of trial and shall reside at Nagpur. The applicant shall attend Police Station, Sonegaon, Nagpur on last Sunday of every month and shall cooperate with the Investigating Officer.

JUDGE

kahale