

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

CRIMINAL APPLICATION (APPA) NO. 406 OF 2015 IN CRI.APJPEAL NO.602 OF 2013.

Mangesh Purushottam Maske and ors. ..vs.. The State of Mah.

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

Court's or Judge's orders

Mr.R.M.Daga, Adv. for the applicant/appellant.
Mr.S.M.Uikey, APP for the State.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : JULY 17, 2015.

Heard Mr.Daga learned counsel for the applicant/accused no.4 Bandu Dhage and learned APP for the respondent/State.

Submission, only material available against Bandu on record is an assertion that Bandu Dhage and Kartik Maske had caught hold of hands of deceased. It is pointed out that this Court has already granted bail to Kartik Maske and also to Shridhar Deokate (original accused No.7), on 12th of August, 2014.

Advocate Daga submits that in cross-examination PW 1 Balaji has stated that police have not recorded his statement correctly and therefore his assertion that Bandu Dhage had caught hold of hands of his brother cannot be relied upon. He further points out that he could not remember whether he gave statement on these lines to police authorities. Advocate Daga submits that as very foundation is not in existence, the assertion in examination-in-chief mentioned supra is not sufficient. He also points out that on the ground of parity Bandu Dhage also needs to be released on bail.

Learned APP is opposing the application.

After hearing the respective counsel, we find that insofar as Kartik Maske and Shridhar Deokate are concerned, this court in order

dated 12th of August, 2014 had noted that weapons and sticks in their hands were omission and those weapons did not match with injury of deceased. It is no doubt true that Kartik Maske is also alleged to have caught hold of hands of deceased. However, there was also an allegation that Kartik Maske had beaten deceased with iron rod.

Insofar as Bandu Dhage is concerned, there is no allegation of such beating and it appears that he disabled the deceased by holding him. This holding of hands of deceased is not shown to be an omission in his police statement.

In this situation, we find that on merit as also on account of parity, no case is made out for release of the applicant on bail. Application is, therefore, rejected.

JUDGE

JUDGE

Chute.