

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

CRIMINAL APPLICATION (BA) NO.576/2015

(Kallu @ Ganesh s/o Chokelal Gaikwad ..vs.. the State of Maharashtra, through PSO
P. S. Nandanvan, Nagpur)

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, Advocate for applicant.
Mr. R. S. Nayak, A.P.P. for non applicant-State

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 10, 2015.

Heard learned counsel for the applicants
and learned A.P.P. for non applicant-State.

This is an application for regular bail. The applicant was arrested on 30.06.2014 in connection with Crime No.244/2014 for an offence punishable under Sections 143, 147, 148, 149, 326, 307, 302 read with Section 34 of the Indian Penal Code registered with Police Station Nandanvan, Nagpur.

The FIR is lodged by one Ashish Malik on 26.06.2014 who ultimately succumbed to the injuries on 30.06.2014. In the FIR, it is mentioned that the applicant along with his other accomplices assaulted him by means of iron rod. From the FIR it is clear that the role attributed to the present applicant is similar to the role attributed to the other co-accused.

The prosecution rests on the eye witness account of Rohan, who was accompanying the deceased at the relevant time. His statement would show that the present applicant Kallu @ Ganesh Gaikwad and other two accused persons assaulted the deceased Ashish by means of iron rod. The other co-accused are already released on bail. Thus, it is clear that the present accused person, whose case is on similar line as that of the co-accused who have been released on bail, also deserves to be released on bail. In that view of the matter, principle of parity has to be applied in the present matter.

Further, though it is alleged that the applicant has given iron rod blow on the head of the deceased, the Post Mortem Report does not show any major injury on his head. In view of the aforesaid and looking to the fact that the investigation is over and charge-sheet is already filed, further custodial presence of the applicant is not necessary. Hence, following order is passed.

ORDER

(i) Criminal Application No.576/2015 is allowed.

(ii) The applicant-Kallu @ Ganesh s/o Chokelal Gaikwad, be released on bail in connection with Crime No.244/2014 registered with Police Station Nandanvan, Dist. Nagpur for an offence punishable

under Sections 143, 147, 148, 149, 326, 307, 302 read with Section 34 of the IPC, on he executing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount.

(iii) The applicant shall attend Police Station Nandanvan once in a month till the culmination of the trial. He shall attend Police Station on the second Sunday of every month between 3.00 p.m. to 5.00 p.m.

(iv) The applicant shall not try to influence or pressurize either the victim or the prosecution witnesses.

JUDGE

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