

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

CRIMINAL APPLICATION (BA) NO. 672 OF 2015

(Suresh Ramkrishna Dunekar Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri M. V. Mendhe, Advocate for the applicant.
Shri R. S. Nayak, A.P.P. for the respondent-State.

CORAM : V. M. DESHPANDE, J.

DATED : 16th OCTOBER, 2015

Heard learned Counsel for the applicant
and the learned A.P.P. for the State.

The application is moved for enlargement on
bail since the applicant is arrested in connection with
Crime No.25/2014 registered with police station Arjuni
(Mor.), District Gondia for the offence punishable under
Sections 143, 144, 147, 148, 307, 302 of the Indian
Penal Code and Section 3 of Black Magic Act.

Submission of the applicant is that
co-accused persons are released on bail and, therefore,
on the principle of parity, present applicant should also
be released on bail.

The relevant witnesses are Shrawan and
Vandana. They are the father and wife of deceased
Prakash. These two persons were also suffered injuries

in the attack. However, they survive. Their first statement is recorded on 11/3/2014, i.e. immediately after the incident. In the said statement, they have specifically stated the name of the present applicant along with one Baliram that due to practicing black magic, they were attacked. Their further statement is recorded on 13/3/2014, i.e. after two days of their previous statement. In the said statement also both have stated that deceased Prakash was assaulted by means of dangerous weapon like stick by the present applicant and other co-accused persons. Insofar as the other co-accused persons, who are released on bail, are concerned, the statement dated 13/3/2014 clearly absolve them. In that view of the matter, the present applicant is not entitled to claim benefit of parity.

Hence, the application is rejected.

JUDGE