IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1106 OF 2016

Ravi s/o. Subhashrao Satbhai ..Applicant

Versus

The State of Maharashtra ..Respondent

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Mr.S.P.Urgunde, advocate for applicant

Mr.U.S.Mote, A.P.P. for respondent - State

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CORAM : M.T. JOSHI, J.
DATE : MARCH 09, 2016

PER COURT :

Heard.

2] The applicant is seeking anticipatory bail in Crime No.70 of 2015 registered at Kalamnuri Police Station, Tq. Kalamnuri, Dist.Hingoli for the offences punishable under Section 302, 307, 120(B), 143, 147, 148, 149 of Indian Penal Code.

3] The record of the case as well as arguments from both sides would show that as per the

prosecution case, in all eleven accused persons including present applicant, had joined in the incident occurred on 1st June, 2015 at 8:00 am. In the said incident, while brother of the complainant has died, the complainant himself has suffered injuries. So far as present applicant is concerned, the allegations are that he had hurled stone towards the complainant in the said incident.

4] Learned counsel for the applicant points out that this Court has already granted anticipatory bail to the similarly situated accused – Mankarnabai in Criminal Application No.4253 of 2015 vide order dated 10th September, 2015. He submits that though the earlier application of the present applicant bearing Criminal Application No.3935 of 2015 was disposed of as withdrawn on 20th August, 2016, considering the fact that the similarly situated accused was released on

anticipatory bail, the present application may be allowed.

5] Learned A.P.P. opposes the application. He submits that the deceased had suffered as many as eight injuries and the complainant also has received eight injuries. He submits that there is no change in the circumstances and therefore, no case is made out for grant of anticipatory bail to the present applicant.

6] Considering the allegations in the complaint that the present applicant has assaulted with stone and the deceased had suffered incised wounds, except one contused abrasion over upper lateral part of left shoulder, and finding that in all eleven accused are involved in the case, without making further comment on merit of the case for the the reason of parity, present applicant deserves to be released on bail.

7] Hence, the following order :-

A] Criminal Application is hereby allowed.

B] In the event of his arrest, the applicant be released on bail in Crime No.70 of 2015 registered at Kalamnuri Police Station, Tq. Kalamnuri, Dist.Hingoli for the offences punishable under Section 302, 307, 120(B), 143, 147, 148, 149 of Indian Penal Code, out of which, now Sessions Case No.36 of 2015 is pending in the Court of Sessions at Hingoli, upon the applicant's executing P.R. bond in the sum of Rs.20,000/- (Rs.Twenty Thousand) and also upon furnishing surety in the like amount.

C] The applicant shall not influence any of the the prosecution witnesses in any manner and attend the Investigating Officer if called for investigation.

[M.T. JOSHI, J.]

kbp