

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 5413 of 2016

District : Nanded

1. Prakash s/o. Jyotiram Runwal,
Age : 45 years,
Occupation : Labourer.
2. Govind s/o. Shyamlal Runwal,
Age : 33 years,
Occupation : Agriculture.
3. Subhash s/o. Ramji Ade,
Age : 45 years,
Occupation : Agriculture.
4. Ukandrao s/o. Dhanu Rathod,
Age : 50 years,
Occupation : Labour.
5. Jagdish s/o. Shyamlal Runwal,
Age : 26 years,
Occupation : Labour.

All R/o. Lokarwadi,
Taluka : Mahur,
District : Nanded.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station,
Sindkhed,
Taluka : Mahur,
District : Nanded.

.. Respondent.

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Mr. Sudarshan J. Salunke, Advocate, for applicants.

*Mr. A.S. Shinde, Addl. Public Prosecutor, for
the respondent.*

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CORAM : A.M. BADAR, J.**DATE : 6TH OCTOBER 2016****ORAL ORDER:**

Applicants / accused in Crime No. 21/2016, registered with Police Station, Sindkhed, Taluka Mahur, District Nanded, for offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, by this application under Section 438 of the Code of Criminal Procedure, are seeking pre-arrest bail.

2. Heard the learned Counsel appearing for applicants / accused. By taking me through the statement of injured Bhiku Gulab Rathod, the learned Counsel argued that Bhiku Rathod had named several persons including Kundan Rathod and Ukandrao Jadhav as accused who formed unlawful assembly and assaulted him. The learned Counsel then referred to the order passed by this Court on 8th August 2016, allowing application for grant of anticipatory bail of Kundan Rathod and Ukandrao Jadhav and submitted that applicants are entitled for same treatment as is given to those accused persons vide order dated 8th August 2016 in Criminal Application No. 4185 of 2016. The learned Counsel further argued that the injured is also discharged from the hospital.

3. The learned Addl. Public Prosecutor argued that applicants are not entitled for parity with Kundan Rathod and Ukandrao Jadhav as Section 149 of the IPC was not considered while granting pre-arrest bail on 8th August 2016. The learned Addl. Public Prosecutor argued that the role of Kundan Rathod was assault to Sushil Jadhav who had not suffered any injury. The learned Addl. Public Prosecutor further pointed out that applicants Prakash Runwal and Govind Runwal are stated to have assaulted injured Bhiku Rathod by means of sticks.

4. Perused the charge-sheet as well as order passed by this Court on 8th August 2016, in Criminal Application No. 4185 of 2016. With somewhat similar role, applicants Kundan Rathod and Ukandrao Jadhav are granted pre-arrest bail by this Court. Therefore, by applying rule of parity, applicants are also entitled for same treatment and same relief.

5. Though it is alleged that applicants Prakash Runwal and Govind Runwal have assaulted injured Bhiku Rathod by means of sticks, injury certificate issued by Primary Health Centre, Sindkhed, shows only one injury on person of Bhiku Rathod and that was contused lacerated wound to left side of his head. This was attributable to the blow by brick by co-accused Madhukar Runwal. This was grievous hurt for

treatment of which the injured was taken to several hospitals including the Higher Centre at Nagpur. Injured Bhiku Rathod had suffered fracture of his head. This injury is not attributable to applicants and therefore, in the light of order passed by this Court in Criminal Application No. 4185 of 2016, on 8th August 2016, applicants are entitled for pre-arrest bail.

6. Hence, I pass the following order :-

(a) The Application is allowed.

(b) In the event of arrest of applicants / accused in the above crime, they be released on bail on their executing P.R. Bond in the sum of Rs. 15,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) As conditions of this order, applicants shall abide by the following directives :-

(i) Applicants shall attend the concerned Police Station on 19th October 2016 in between 11.00 a.m. and 01.00 p.m. and they shall cooperate the investigator in investigation of the crime in question.

(ii) Applicants shall not, directly or

indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) Applicants shall not tamper with the prosecution evidence in any manner.

7. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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