

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

**CRIMINAL APPLICATION (BA) NO.379 OF 2016**

*(Niraj Raju Ugale 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 A. S. Bhongade, Advocate for the applicant.  
Shri A. M. Deshpande, A.P.P. for the State.

**CORAM : S. B. SHUKRE, J.**

**DATED : 25 JULY, 2016**

Heard learned Counsel for the applicant and the  
learned A.P.P. for the State. Perused the charge-sheet  
including the statement of the eye witnesses.

On perusal of the charge-sheet, I find that there  
is sufficient material available against this applicant  
indicating his prima facie involvement of the offences  
registered against him. All these eye witnesses had seen this  
applicant as dealing sword blow to the deceased. Specific  
role has been attributed to this applicant. Such is not the  
case of one of the co-accused Roshan Gaikwad, who has  
been granted bail by the Sessions Court. Although the eye  
witnesses had stated that Roshan had used wooden log for  
assaulting the deceased, the postmortem report indicated  
that the injuries were in the nature of incised wounds,  
which resulted in death of the deceased. This fact, perhaps

weighed with the Sessions Court in granting bail to Roshan. However, such is not the prosecution case as against the present applicant. As stated earlier, the eye witnesses had seen the applicant as dealing sword blow to the deceased. Therefore, argument of the learned Counsel for the applicant that principle of parity should be made applicable to the applicant cannot be accepted. The offence of murder punishable under Section 302 I.P.C. is a serious crime, which is punishable with death or life imprisonment. Besides, the prosecution has also filed an application for cancellation of bail granted to Roshan as, according to the prosecution, he has misused the liberty by threatening the eye witnesses. In the circumstances, this application cannot be granted.

The application stands rejected.

**JUDGE**

**CERTIFICATE**

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : W. W. Lichade

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