

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

Criminal Application [BA] No.619 of 2016

(Dilip Namdeo Kawankure

vs.

The State of Maharashtra, through P.S.O. Pulgaon, District Wardha)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Shri S.A. Chaudhari, Advocate for the Applicant.

Shri S.D. Sirpurkar, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.

DATE : 23rd SEPTEMBER, 2016.

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

The learned Counsel for the applicant has pointed out that one of the main accused Ashok Kawankure has been granted bail by the Sessions Court. He also submits that other co-accused Suresh Kawankure and Sanjay Kawankure, who also took very active part in assault, have also been granted bail. Therefore, this applicant too deserves treatment of parity.

The learned A.P.P. for the State opposing the application submits that this applicant had dealt a blow of sickle on the back of the deceased and he along with other main accused Namdeo Kuwankure had played a vital role in causing death of Ravindra alias Balu.

It is seen from the postmortem report that the probable cause of death has been hemorrhagic shock due to cut-throat injury. The statements of witnesses *prima facie* indicate that the main accused Namdeo was the person, who had dealt blow of axe on the neck of the deceased. The injuries caused by the axe blow thus could be *prima facie*

considered as constituting a probable cause of death. There were also injuries all over the body of the deceased. The other injuries were on the back portion of the deceased. But, these injuries, as per postmortem report, did not bring about death. Sanjay and Suresh, who took active part in the assault have been granted bail by the Sessions Court. Ashok, who was also involved in the assault, which took place upon the deceased Ravindra, has also been granted bail. He was the person, who had pinned down deceased Ravindra to enable the main accused-Namdeo to deal fatal blow of axe. In these circumstances, I am of the view that there is no reason why this applicant could be denied benefit of principle of parity. Therefore, I am inclined to grant this application. Hence, the order.

The application is allowed. It is directed that the applicant shall be released on bail on his furnishing a P.R. Bond in the sum of Rs.25,000/- together with one solvent surety in the like sum on the conditions that he shall not enter the limits of village Waifad, District Wardha till the evidence of the main prosecution witnesses is over, shall regularly attend the court proceedings on the dates fixed in the matter and shall co-operate with the trial Court in expeditious disposal of the case.

The application is disposed of in these terms.

JUDGE

**sdw*