

CRIMINAL APPLICATION NO. 2346 OF 2017

VERSUS

The State of Maharashtra ... Respondent

.....
Mr. R.P.Phatake, advocate for the applicant
Mr. A.D.Namde, A.P.P for respondent
.....

CORAM : K.L.WADANE, J.
DATED : 20th JUNE, 2017

O R D E R :

Heard learned counsel for the applicant
and the learned A.P.P. for respondent.

2. On 11.7.2016 one Shaukat Musa Pathan, resident of Shrirampur lodged complaint with police station Shrirampur City police station alleging that the applicant and other 5 accused persons assaulted his father namely Musa Gafur Pathan. Accordingly Crime bearing No. 181 of 2016 came to be registered with Shrirampur City police station for the offences punishable under Sections 302, 143, 147, 148, 149, 323 of the Indian Penal Code.

3. The allegations against the applicant and other accused are that on 11.7.2016 when he was in his house, at that time present applicant and other accused persons started quarrel with his father and immediately they started assaulting his father. The present applicant and other two male accused have assaulted his father by means of wooden logs on his back, legs, abdomen and other lady accused persons were assaulting his father by kick and fist blows. Thereafter all the accused persons left the place of incident. The sister of the informant namely Shamina has taken his father to the hospital, where on examination his father was declared dead.

4. Learned counsel appearing for the applicant submits that except the present applicant all other accused persons are released on bail by this Court. The other accused, particularly accused Gorakh Gaikwad and Ashish Gaikwad are facing similar allegations. The allegations are different against female accused persons. From the contents of the first

information report as well as the statements of witnesses, it appears that the allegations against the present applicant and other two male accused persons are similar in nature.

5. The additional circumstance appearing against the present applicant is that three wooden sticks were recovered from the possession of the present applicant, however, the report of the Chemical Analyser is awaited.

6. It is not the case of the prosecution that the present applicant has used all three sticks while assaulting the deceased. In view of the fact that other accused persons with similar allegations are already released on bail, in my opinion, the present applicant is entitled for grant of bail on the ground of parity. Hence following order.

(i) Criminal Application is allowed.

(ii) Applicant be released on bail in connection with Crime No. 181 of 2016 registered with Shrirampur City police station for the offences punishable under Sections 302, 143, 147,

148, 149, 323 of the Indian Penal Code on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(iii) Applicant shall not influence the witnesses and shall not tamper with the evidence of prosecution in any manner.

(iv) Applicant shall not enter the limits of Shrirampur town for a period of six months.

7. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2346.17