

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

CRIMINAL APPLICATION (ABA) NO.63/2018
Digambar s/o Ambadas Solankar and ors

..vs..

State of Mah., thr PSO PS Khamgaon City, Tahsil Khamgaon, District Buldana

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

Shri S.D. Chande, Counsel for the applicants.
Shri T.A. Mirza and Shri Nitin Rao, Addl.P.P.s for the State.

CORAM : V.M. DESHPANDE, J.
DATED : FEBRUARY 8, 2018.

1. Heard learned counsel Shri S.D. Chande for the applicants and learned Additional Public Prosecutors Shri T.A. Mirza and Shri Nitin Rao for the State.

2. The applicants are apprehending their arrest in connection with Crime No.623/2017 registered with Police Station Khamgaon City, Tahsil Khamgaon, District Buldana for the offences punishable under Sections 302, 143, and 147 of the Indian Penal Code.

3. Prior to filing of this application, other person by name Gajanan, since he was also apprehending his arrest, filed an application before this Court. His application was registered as Criminal Application (ABA) No.922/2017. On 22.12.2017 *ad interim* anticipatory bail was granted to Gajanan with a direction to the prosecution to file an additional affidavit on record. Accordingly, in Gajanan's case, Shri

Ramesh Patil, Deputy Superintendent of Police, CID, Buldana filed an additional affidavit.

4. While deciding Criminal Application No.922/2017 on 16.1.2018, it was noticed by this Court, on the basis of the reply and instructions from Shri Ramesh Patil, Deputy Superintendent of Police, CID, Buldana, that no concrete material is there against the applicant in respect of injuries culminating the death of Suresh. This Court, therefore, granted bail in favour of applicant therein.

5. The case of the present applicant, even according to learned Additional Public Prosecutors for the State, is identical with the case of Gajanan who has been granted anticipatory bail by this Court. It is pointed out by learned Additional Public Prosecutors for the State that in addition to statements of other witnesses, two more statements of the witnesses are recorded. However, their statements are on the line of the statements of the witnesses which were considered by this Court.

6. On 31.1.2018, *ad interim* anticipatory bail was granted to the present applicants with condition that applicant No.1 shall attend office of the Deputy Superintendent of Police, CID, Buldana on 2.2.2018 and 3.2.2018 and shall remain with the investigating officer from 11:00 a.m. to 5:00 p.m.. Accordingly, the applicants have attended the office of the Deputy Superintendent of Police, CID, Buldana and they were interrogated.

7. In that view of the matter, it is to be noted that since applicant Gajanan, whose case is at par with the present applicants, is

released on anticipatory bail, in my view, the present applicants are also entitled to be released on the principle of parity. That leads me to pass the following order:

ORDER

- (a) The criminal application is allowed.
- (b) In the event of arrest of applicants-Digambar s/o Ambadas Solankar, Sau. Kantabai w/o Digambar Solankar, and Sou. Deepmala Dattatraya Mitkar, in connection with Crime No.623/2017 registered with Police Station Khamgaon City, Tahsil Khamgaon, District Buldana for the offences punishable under Sections 302, 143, and 147 of the Indian Penal Code, the applicants be released on they executing P.R. Bond in the sum of Rs.50,000/- by each of them with two solvent sureties of the like amount by each of them.
- (c) The applicants shall attend the office of the Deputy Superintendent of Police, CID, Buldana initially on 13th, 14th, and 15th of February 2018 and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m..
- (d) The applicants are further directed to attend the investigating officer as and when they are called by the

investigating officer by giving them 48 hours clear cut written notice.

(e) It is made clear that during the course of the investigation of the case if concrete material is available against the applicants, it is open to the investigating officer to move an application for cancellation of bail before this.

(f) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

(g) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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