

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

CRIMINAL APPLICATION (BA) NO.552 OF 2018

(Bharat s/o Maroti Parchake ..vs.. State of Maharashtra, through PSO, PS Ramnagar, Wardha)

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

Court's or Judge's orders

Shri O.K. Masurke, Counsel for the applicant,
Shri N.B. Jawade, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 27-06-2018

The applicant is in custody since 13-10-2016 in connection with Crime 169/2016 registered at Ramnagar Police Station, Wardha for offence punishable under Section 302 read with Section 34 of the Indian Penal Code and Section 4/25 of the Indian Arms Act.

2. The submission of the learned Counsel for the applicant is that the co-accused Nana Dandage and Akash Wadave are released on bail by this Court.

3. I have perused the statements of the three eyewitnesses namely Baby Sangone, Mukesh Kokate and Suresh Kokate. Baby and Suraj do not speak of the applicant having assaulted the deceased, although they do speak of his presence at the scene and that the applicant was armed with an iron bar. It is only Mukesh who generally says that four persons including the applicant were assaulting the deceased. It is true that the

prosecution has invoked Section 34 of the Indian Penal Code. Whether the present applicant shared a common intention with the other accused is for the trial Court to ultimately decide after the evidence is recorded. At this stage, it does appear that the role attributed to the present applicant is relatively less significant or minor than that of the two co-accused who are released on bail by this Court.

4. The application is allowed.

5. The applicant be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety of the like amount.

6. The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses.

JUDGE

adgokar