

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

CRIMINAL APPLICATION (BA) NO.121 OF 2019

(Pawan @ Poonam s/o Janrao Bawane Vs. The State of Maharashtra thr. PSO PS
Hinganghat, Dist. Wardha)

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

Court's or Judge's orders.

Shri S.R. Dube, Advocate for Applicant.
Shri H.R. Dhumale, APP for Respondent/State.

CORAM: M.G. GIRATKAR, J.

DATE: 5th MARCH, 2019.

Heard Advocate Shri S.R. Dube for the applicant.

He has submitted that co-accused Vicky Larokar is released on bail. The role of the present applicant is same. Therefore, he is entitled for bail.

Learned APP Shri Dhumale has submitted that applicant is a main accused. He has pointed out statement of Rehman Ali.

From the perusal of statement of Rehman, it appears that the present applicant was having iron rod, he gave blow of that iron rod on the head of the deceased. He fell down thereafter, Vicky Larokar taken the said iron rod from the hands of this applicant and again gave blow. The applicant is the main accused. He was having iron rod, therefore, intention of the accused/applicant is to be seen. Vicky Larokar was not having any weapon/iron rod at the time of incident. When deceased fell down, he took the iron

rod from the hands of the present applicant and gave blow. Therefore, it cannot be said that the case of the present applicant and Vicky Larokar are on the same footing. Therefore, parity cannot be applied. Hence, the application is rejected.

JUDGE

NSN