

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

CRIMINAL APPEAL (APEAL) NO. 508 OF 2019

(Narendra s/o Purushottam Meshram vs. The State of Maharashtra thr. PSO, PS Amgaon,
District - Gondia & Anr.)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for the appellant.
Mrs. S.S. Jachak, APP for respondent No. 1.
Shri Sharad Thakre, Advocate (appointed) for
respondent No. 2.

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CORAM : P.N. DESHMUKH &
PUSHPA V. GANEDIWALA, JJ.
AUGUST 26, 2019.

Heard Shri Daga, learned counsel for the
appellant, Mrs. S.S. Jachak, learned APP for
respondent No. 1 and Shri Sharad Thakre, learned
counsel for respondent No. 2.

This is an Appeal under Section 14-A of
the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989, against an order
of rejection of bail dated 28.06.2019.

The appellant is charge sheeted along with
three other co-accused for the offence punishable
under Sections 302, 376 (D), 404, 201, 120 (B) of
Indian Penal Code and Section 3 (2)(5) of Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Act, vide Crime No. 352 of 2018 dated 15.12.2018

registered at Amgaon Police Station, District – Gondia.

The prosecution case is that on 14.12.2018, the deceased i.e. sister-in-law of the main accused found dead and upon investigation, the main accused along with present appellant and two others were held responsible for her death.

Shri Daga, learned counsel for the appellant submits that one of the co-accused by name Kartik Manohar Raut has already been released on bail by learned Single Judge of this Court by order 24.06.2019 in Criminal Application (BA) No. 368 of 2019. The role attributed to the present appellant is similar to the role attributed to the co-accused, who is already granted bail. In fact, one knife is recovered at the instance of the co-accused Kartik, who is on bail. The learned counsel, therefore, prays for grant of bail on the ground of parity.

Mrs. Jachak, learned APP strongly opposed the application vide her affidavit-in-reply and submitted that statement of one witness by name Neeru Fule, which was recorded on 01.01.2019, prima facie indicates involvement of the present appellant in the aforesaid crime.

We have considered the submissions made on behalf of both the parties and perused the record.

At the outset, there is no eye witness to the incident, except the statement of Neeru, which

discloses about expression of life threats by this appellant – accused to the deceased if she lodges any complaint against him for theft of her mangalsutra and Rs.1,500/- (Rs. One thousand five hundred only). Nothing serious is recovered from this appellant. The co-accused at whose instance a knife is recovered, is already released on bail by this Court. Hence, on the ground of parity, we are inclined to release the appellant on bail and pass the following order :

Appellant shall be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- (Rs. Fifty thousand only) with one surety in the like amount. The appellant shall mark his presence with Police Station, Amgaon, District – Gondia, on every Sunday till framing of Charge and thereafter once in three months, pending trial and shall not tamper with the prosecution witnesses.

Fees of the learned counsel appointed for respondent No. 2 is quantified at Rs.1,500/- (Rs. One thousand five hundred only).

JUDGE

JUDGE