

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

Criminal Application (BA) No.713 of 2019
(Nitesh @ Nitin Vasudeo Kale .vs. State of Maharashtra through PSO PS
MIDC Nagpur.)

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

Mr. R.H. Rawlani, Advocate for Applicant
Mr. J.Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : August 14, 2019.

The applicant has approached this Court seeking bail as he was arrested on 01.01.2019 in connection with first information report (FIR) registered on the same day for offences under Sections 143, 147, 148, 149, 302 and 307 of the Indian Penal Code.

2. At the outset the learned counsel for the applicant points out that a co-accused person, identically situated like the applicant herein, was granted bail by this Court by order dated 25.07.2019. It is pointed out that the reason why the co-accused was granted bail by this Court was that allegation against the said co-accused was that he had allegedly assaulted the deceased by fists and kicks while there were specific allegations made against other accused persons who had used weapon to assault the deceased person. It is pointed out that as against the applicant also, identical allegations were made and this was evident from the statement given by the injured victim.

3. A perusal of the statement of the injured

witness and the material on record shows that the incident occurred when the deceased and the injured victim along with another friend entered the place where the accused persons were celebrating new year, a scuffle ensued because the gathering included various persons including girls who were dancing and celebrating. It appears that the genesis of the incident was the irritation felt by the accused persons when the deceased and the injured eyewitness along with another friend entered the premises where the party was underway and that resulted in the scuffle. A perusal of the material on record does show that the role attributed to the applicant was that he also gave some blows by fists and kicks to the deceased and the injured victim. But, there is no allegation of use of any weapon or other force by the applicant.

4. Therefore, on the ground of parity, the applicant is clearly entitled to grant of bail, since the identically situated co-accused Umadas Lilahare was granted bail by this Court by order dated 25.07.2019.

5. In view of the above, the present application is allowed and the applicant is directed to be released on bail in Crime No.1 of 2019 registered at M.I.D.C. Police Station, district Nagpur, on the following conditions:-

- a) The applicant shall furnish P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount.
- b) The applicant shall attend the proceedings before the trial Court on each and every date.
- c) The applicant shall not tamper with the

evidence or influence witnesses.

6. Needless to say that violation of any of the conditions noted above, may lead to cancellation of bail granted to the applicant. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE

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