

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

CRIMINAL APPLICATION (BA) NO.737/2019

Sham s/o Ashok Gavhane

..VS..

The State of Mah., thr. PSO, Ansing Police Station, Ansing, Tahsil and
District Washim

WITH

CRIMINAL APPLICATION (BA) NO.738/2019

Ganesh s/o Gajanan Amrawatkar

..VS..

The State of Mah., thr. PSO, Ansing Police Station, Ansing, Tahsil and
District Washim

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

Court's or Judge's Order

.....
BA NO.737/2019

Shri S.Raisuddin, Counsel for the Applicant.

Shri N.R.Rode, Addl.P.P. for the State.

BA NO.738/2019

Shri S.Raisuddin, Counsel for the Applicant.

Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 5, 2019.

1. These applications are heard together and disposed of by this common order since both applications arise out of same crime.

2. By these applications, applicant seek bail in connection with Crime No.6/2019 registered with Ansing Police Station, District Washim for offences under Sections 302, 324, 341, 143, 147, 148, 149, 452, 294, 427, and 506

.....2/-

of the Indian Penal Code.

3. Heard learned counsel Shri S.Raisuddin for applicants in these applications and learned Additional Public Prosecutor Shri N.R.Rode for the State.

4. Both applicants are arrested in connection with murder of Sanjay. Investigation is over and chargesheet is filed.

5. First Information Report is lodged by Rahul Keshao Kale, the brother of deceased Sanjay.

6. According to first informant Rahul, on day of incident i.e. on 15.1.2019, there is an Annual Function of P.D.Jain Vidyalaya at Ansing. In the said function, his son Vikramaditya aged about 7 years participated. To watch the said function, the first informant and Sanjay, the deceased, went to the school. While watching the said function, co-accused Sagar Suresh Gavhane came to the first informant and the first informant asked as to why he is glaring at him. Upon that, verbal altercation took place between them. They were separated by persons who were present there. Thereafter, when the first informant and Sanjay were returning, co-accused Sagar, present applicants Sham and Ganesh and others intercepted and assaulted Sanjay due to which Sanjay died.

7. Learned counsel Shri S.Raisuddin for applicants, invited my attention to orders dated 11.6.2019 passed by this Court (Coram : Manish Pitale, J.) in Criminal Application Nos.427 and 455 of 2019 and submitted that

role ascribed to applicants therein is identical to that of present applicants.

8. Learned Additional Public Prosecutor Shri N.R.Rode for the State, fairly submitted that role ascribed to applicants in Criminal Application Nos.427 and 455 of 2019 is identical to present applicants and this Court after considering applications, released applicants therein on bail.

9. In this view of the matter, present applicants are also entitled to be released on bail on the principle of parity. Further, entire allegations are against Sagar who is jail.

10. Since investigation is over, chargesheet is filed, and the co-accused having identical role are also released on bail, in my view, present applications are required to be allowed as per order below:

ORDER

(a) Both criminal applications are allowed.

(b) Applicants Sham s/o Ashok Gavhane and Ganesh s/o Gajanan Amrawatkar, in connection with Crime No.6/2019 registered with Ansing Police Station, District Washim for offences under Sections 302, 324, 341, 143, 147, 148, 149, 452, 294, 427, and 506 of the Indian Penal Code, be released on bail on their executing P.R.Bond in the sum of Rs.50,000/- by each of them with one solvent surety of the like amount by each of them.

(c) Applicants shall not enter jurisdiction of the police station during the pendency of the Trial.

(d) Applicants shall attend proceedings before the Trial Court on each and every date.

(e) Applicants shall not influence witnesses in any manner.

(f) In view of submissions made by learned Additional Public Prosecutor Shri N.R.Rode for the State to the effect that there would be possibility of witnesses being influenced if the trial gets prolonged, the Trial Court is directed to complete the Trial as expeditiously as possible and in any case within a period of one year from today.

(g) It is made clear that observations made in this order are meant only for the purposes of considering the question of grant of bail to applicants and it is made clear that if applicants violate any of conditions stated above, bail granted to applicants shall stand cancelled.

(h) With this, criminal applications are disposed of accordingly.

JUDGE

!! BRW !!

...../-