

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

CRIMINAL APPLICATION (BA) NO.917/2019

Akshay s/o Gajanan Amrawatkar

..VS..

The State of Mah., thr. PSO, Ansing PS, 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

.....
Shri S.Raisuddin, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : OCTOBER 3, 2019.

1. This is an application for grant of bail
2. Heard learned counsel Shri S.Raisuddin for the applicant and learned Additional Public Prosecutor Shri N.R.Rode for the State.
3. Though the present application is coming for the first time, it is submission of learned Additional Public Prosecutor Shri N.R.Rode for the State that the application can be decided today itself since entire chargesheet is filed and co-accused persons are already released bail. He submitted that role attributed to the present applicant and role attributed to co-accused persons who are released on bail is identical.
4. The present applicant is arrested on 16.1.2019 in connection with Crime No.6/2019 registered with Ansing Police Station, Ansing, Tahsil and District Washim, for offences under Sections 302, 324, 341, 143, 147, 148, 149, 452, 294, 427, and 506 of the Indian Penal Code.

.....2/-

5. Investigation is over and chargesheet is already filed. Role attributed to the present applicant is that he assaulted Sanjay, the deceased, by kicks and fists blows.

6. Co-accused persons, Shyam Madhukar Shinde filed bail application i.e. Criminal Application (BA) No.546/2019 and Ganesh Ashok Raut filed bail application i.e. Criminal Application (BA) No.578/2019. Role attributed to them was that they assaulted Sanjay, the deceased, by kicks and fists blows. This Court (Coram : Manish Pitale, J.) on 19.7.2019, granted bail in their favour.

7. Also, other co-accused persons, Sham s/o Ashok Gavhane filed bail application i.e. Criminal Application (BA) No.737/2019 and Ganesh Gajanan Amrawatkar filed bail application i.e. Criminal Application (BA) No.738/2019 and this Court on 5.9.2019 released them on bail looking to accusation that they assaulted Sanjay, the deceased, by kicks and fists blows.

8. Since co-accused persons, whose role is identical to that of the present applicant who are released on bail, surely the present applicant is entitled to be released on bail on the principle of parity.

9. In this view of the matter, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Akshay s/o Gajanan Amrawatkar, in connection with Crime No.6/2019 registered with Ansing

.....3/-

3

Police Station, Ansing, Tahsil and 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 his executing a P.R.Bond in the sum of Rs.50,000/- with one solvent surety of the like amount.

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

(d) The applicant shall attend proceedings before Trial Court on each and every date.

(e) The applicant shall not influence witnesses in any manner.

(f) This Court has already expedited the Trial.

(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 applicant and it is further made clear that if applicant violates any of conditions stated above, bail granted to the applicant shall stand cancelled.

(h) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-