

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

CRIMINAL APPLICATION (BA) NO.919/2019

Pratik Bharatrao Pohane

..VS..

State of Mah., thr. PSO Ramnagar, District Wardha

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

Court's or Judge's Order

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Shri Suyash Agrawal, Adv. h/f Shri S.V.Sirpurkar, Counsel
for the Applicant.
Shri S.S.Doifode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : OCTOBER 10, 2019.

1. This is an application for grant of bail.
2. Heard Advocate Shri Suyash Agrawal h/f learned counsel Shri S.V.Sirpurkar for the applicant and learned Additional Public Prosecutor Shri S.S.Doifode for the State.
3. Main plank of submissions of learned Advocate for the applicant is that the applicant is entitled to be released on bail on the ground of parity. Learned Advocate invited my attention to order passed by this Court (Coram : Manish Pitale, J.) in Criminal Application No.639/2019 filed by Akash Wadafale and in Criminal Application No.666/2019 filed by Suryakant. He submitted that role of the present applicant is at par with role attributed to Suryakant Zade.
4. Learned Advocate for the applicant submitted that investigation is over and chargesheet is already filed in respect of death of Dadya. He further submitted that First Information Report is lodged by Jijabai, the mother of Dadya, who was not an eyewitness.
5. Learned Additional Public Prosecutor Shri S.S.Doifode for the State, inviting my attention to statements

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of eyewitnesses Ajay Jiwane and Sachin Nehare submitted that the application of the present applicant be rejected.

6. Statement of eyewitness Ajay Jiwane, shows that Dadya, the deceased, was giving trouble to students of an institution. According to statement of Ajay, he was assaulted by 5-6 persons who are employees of one Bajaj Institution. His statement shows that 5-6 persons were assaulting and out of that he knows the present applicant.

7. Similarly, another eyewitness is Sachin Nehare. He attributed role to present applicant that he assaulted by means of stick along with co-accused Suryakant who is released on bail. Here, it is to be mentioned that in his statement he specifically attributed role of holding an axe by Praful who is in jail.

8. Since role attributed to the present applicant is identical to that of accused Suryakant who is released on bail by this Court, surely the present applicant is entitled to released on bail on the principle of parity. Consequently, following order is passed:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Pratik Bharatrao Pohane, in connection with Crime No.144/2019 registered with Ramnagar Police Station, District Wardha for offences under Sections 302, 143, 147, 148, and 149 of the Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(c) The applicant is directed to attend the police station once in a month that is on 3rd Friday of each month and shall be in the police station from 3:00 p.m. to 5:00 p.m..

3

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

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

JUDGE

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