

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

CRIMINAL APPLICATION (BA) NO.940 OF 2019

Mr. Sandip Ramdasji Sarate .Vs. State of Maharashtra, PSO, P.S. Ramnagar,
Dist. Wardha.

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

Mr. Rohan Dhawad, Advocate for applicant.
Mr. S.M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 04, 2019

Heard Mr. Dhawad, learned counsel for the applicant and Mr. Ghodeswar, learned Additional Public Prosecutor for the State. Also perused the detailed reply and the charge-sheet.

The applicant, who is one of the co-accused along with other ten persons, was arrested on 05.03.2019 in connection with Crime No.144/2019 registered with Police Station, Ramnagar, Dist. Wardha for an offence punishable under Sections 143, 147, 148, 149 and 302 of the Indian Penal Code.

The deceased in the present crime is one Prashant alias Dadya who according to the prosecution was done to death by eleven persons. The investigation is over and charge-sheet is already filed.

The first information report is lodged by Jijabai, mother of the deceased. Admittedly she is not an eye-

witness to the crime. According to the charge-sheet, during the course of the investigation the investigating officer has recorded the statements of two eye witnesses i.e. Sachin and Raju. Their statements would show that co-accused Prafful and Suresh were searching for the deceased. That time co-accused Suresh was having stick in his hand. Similarly statement of one Satish was also recorded. The statements of these three witnesses would show that the applicant is one of the co-accused along with others who has assaulted on deceased by means of sticks.

Worth to mention here that co-accused Akash Wadafale, Suryakant Zade, Haribhau Dandale, Pratik Pohane are already released on bail. The role attributed to the present applicant is identical to the role attributed to the aforementioned accused persons. The learned Additional Public Prosecutor in his fairness would submit that the case of the present applicant is at par with the co-accused who are already released on bail. In view of the fact that the role attributed to the present applicant is identical to the role attributed to the co-accused who are released on bail, in my view, the present applicant can be released on the principle of parity. That leads me to pass the following order :

ORDER

- (i) The criminal application is allowed.
- (ii) Applicant- Sandip Ramdasji Sarate be released on bail in connection with Crime No.144/2019 registered with Police Station, Ramnagar, Dist. Wardha for an offence punishable under Sections 143, 147, 148, 149 and 302 of

the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

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

(iv) The applicant shall neither tamper with the evidence nor influence the prosecution witnesses.

With this, the application is disposed of.

JUDGE

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