

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

CRIMINAL APPLICATION (BA) NO. 1012 OF 2019

Anand s/o Sudhakarrao Deoghare .Vs. State of Maharashtra,through P.S.O,
P.S. Kalamna, Nagpur.

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

Court's or Judge's orders.

Mr. Sumedh Kadam, Advocate for applicant.
Mr. N.B. Jawade, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 28, 2019

Mr.Kadam, learned counsel for applicant and
Mr.Jawade, learned Additional Public Prosecutor for the non
applicant-State. Also perused the charge-sheet.

Learned counsel for applicant submits that the
applicant's role is identical to the role attributed by the
prosecution against Nilesh Mathale and Kartik Dekate and
they are released on bail by this Court allowing their
Criminal Application (BA) No.923/2019 and Criminal
Application (BA) No. 1031/2019, respectively.

Learned Additional Public Prosecutor did submit
that the role attributed to present applicant Anand is
identical to the role played by Nilesh and Kartik who are
released on bail.

In the present case, the investigation is over and
charge-sheet is already filed. The eye witnesses are Ganesh
Dabre and Vasanta Thombare who are police constables and
they attribute role of assaulting the deceased Shaikh Irfan
Shaikh Abdul Razak by means of respective weapons in their
hands, to Abhinay Gosai and Viju Barapatre. The role
attributed against the present applicant is that he has
assaulted by fist blows.

This Court has considered case of the prosecution in detail in the earlier two bail applications. Since the role attributed to the present applicant is identical to them, the Court is not detailing the prosecution case to avoid bulkiness of the order. Therefore, when the role attributed to the present applicant is exactly identical to the co-accused Nilesh and Kartik, present applicant is entitled to be released on bail on the principle of parity. That leads me to pass following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant – Anand s/o Sudhakarrao Deoghare be released on bail in connection with Crime No.166/2019 registered with Police Station, Kalamna, Nagpur for an offence punishable under Sections 302, 143, 147, 148 and 149 of the Indian Penal Code and under Sections 4, 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Kalamna, Nagpur once in a month i.e. on second Sunday of every month and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. until culmination of the trial.
- (iv) The applicant is directed to attend all Court dates scrupulously.

The application is disposed of.

JUDGE