

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

CRIMINAL APPLICATION (ABA) NO.756/2019

Ajay s/o Vijay Gavhane

..VS..

State of Mah., thr. PSO Ansing, Taluka and District Washim

.....
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 S.K.Wankhede, Counsel for the Applicant.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : DECEMBER 06, 2019.

1. The applicant is apprehending his arrest in connection with Crime No.6/2019 registered with Ansing Police Station, Washim for offences punishable under Sections 302, 324, 341, 143, 147, 148, 149, 452, 427, 294, and 506 of the Indian Penal Code.

2. Heard learned counsel Shri S.K.Wankhede for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the State.

3. As per the prosecution case, on 15.1.2019 injured Rahul along with his brother Sanjay had been to a school situated at Ansing to watch an Annual Gathering of the said school since Rahul's son Vikramaditya was participating in one of functions. In the said function, co-accused Sagar Gavhane was also there. He angrily stared at

Rahul and upon that when Rahul made enquiries as to why he is staring, he used abusive language. According to the prosecution case, that time, his companions along with present applicant gave fists blows and at that time when deceased Sanjay came to intervene, he was also assaulted by them by fists blows. The quarrel was separated by one Gajanan Gawali and others. It is also the prosecution case that at 1:45 p.m., when Rahul and his brother deceased Sanjay were proceeding towards their house, their way was obstructed by co-accused persons including the present applicant and one Gajanan Gavhane. As per the prosecution case, that time Sagar Gavhane brought an iron rod from his hotel and assaulted on the head of Rahul, resulting into bleeding injuries to him. At that time, his brother Sanjay was also assaulted by fists blows. Somehow, both brothers reached to their house and when they were proceeding to lodge report about the incident, they were followed by accused persons including the present applicant and Gajanan Gavhane. Sagar Gavhane assaulted Sagar, the deceased, by means of stone. Thereafter, the applicant, Gajanan, and other co-accused persons assaulted by fists blows. It is also the case of the prosecution that after lodging of the report and admitting deceased Sanjay in hospital, Rahul came to house. That time, it was disclosed to him by his mother that accused Sagar Gavhane, present applicant Ajay, co-accused Gajanan Gavhane with other co-accused persons gathered in front of their house and used abusive language. It is also

stated by Rahul in his statement that his mother informed him that, thereafter, Sagar Gavhane came inside their house and used abusive language and caused damage to motorcycle.

4. From the prosecution case, it is clear that though Sanjay, the deceased, was assaulted by the applicant along with others, role attributed to him is that he assaulted by fists blows. The assault on the head of deceased Sanjay by means of stone is attributed to Sagar Gavhane. Similarly, role of the assault by iron rod on Rahul is also attributed to Sagar.

5. In this view of the matter, in my view, when this Court on these accusations released co-accused Gajanan on anticipatory bail and when accusations against the present applicant and Gajanan are identical, the applicant can be granted pre-arrest bail on the principle of parity. That leads me to pass following order:

ORDER

(1) The criminal application is allowed.

(2) In the event of arrest of applicant-Ajay s/o Vijay Gavhane, in connection with Crime No.6/2019 registered with Ansing Police Station, Washim for offences punishable under Sections 302, 324, 341, 143, 147, 148, 149, 452, 427, 294, and 506 of the Indian Penal Code, the applicant be released on bail on he executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(3) The applicant is directed to attend the police station twice a week, i.e. on Wednesday and Thursday, for next two months and shall be with Investigating Officer from 3:00 p.m. to 5:00 p.m.

With this, the criminal application stands disposed of accordingly.

JUDGE

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