

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

CRIMINAL APPLICATION (BA) NO. 1031 OF 2019

Kartik Bakaram Dekate .Vs. State of Maharashtra, through PSO, P.S.
Kalmana, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for applicant.

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

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 26, 2019

Heard Mr. Ali, learned counsel for applicant and
Mr. Jawade, learned Additional Public Prosecutor. Also
perused the charge-sheet placed on record.

The applicant is arrested on 18.03.2019 by the
Police Station Officer, Kalmana, Dist. Nagpur 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 and 25 of the Arms Act and under Sections
135 of the Maharashtra Police Act.

The primary submission of the learned counsel
for the applicant in this application for bail is that in view of
the order dated 22.10.2019 in Criminal Application (BA) No.
923/2019 passed by this Court, the applicant is entitled to
be released on the principle of parity.

In Criminal Application (BA) No. 923/2019, applicant Nilesh Vijay Mathale was released on bail. While releasing on bail, this Court considered the first information report, the statement of Ganesh Dabre, a Police Constable and also the statement of Vasanta Thombare, who was part and parcel of the squad. After perusal of their statements while releasing the applicant in Criminal Application (BA) No. 923/2019 it was observed by this Court that deceased Shaikh Irfan Shaikh Abdul Razak was assaulted by Abhinay Gosai and Viju Barapatre by respective weapons in their hand and the role attributed to the applicant in the said application is that he assaulted by fist blows.

Statements of Ganesh as well as Vasanta also show that role attributed to the present applicant is identical to the role attributed to Nilesh Mathale (applicant in BA No.923/2019). The statements of Ganesh and Vasanta would show that the applicant was present however the role attributed to him is that he used fist and kick blows.

In view of the aforesaid fact, the applicant is entitled for release on bail on the principle of parity. Resultantly, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant – Kartik Bakaram Dekate 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 third Saturday 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

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