

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

**CRIMINAL APPLICATION (BA) NO.249/2020**

Manik s/o Dalpat Sautkar and Ors. .vs. State of Maharashtra, through its  
PSO P.S. Mana, Dist. Akola.

---

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

Court's or Judge's orders.

---

Mr. R. M. Daga, Advocate for applicants.

Mr. N. S. Rao, A.P.P. for non applicant-State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : APRIL 8, 2020**

Heard Mr. Daga, learned counsel for applicants  
and Mr. Rao, learned A.P.P. for non applicant-State.

This is an application for regular bail.

On the basis of statement dated 25.05.2019  
made by Digambar Sautkar, the offence was registered  
against the applicants and other co-accused for an offence  
punishable under Sections 147, 148, 149, 324 and 341 of  
the Indian Penal Code with Police Station, Mana vide Crime  
No.172/2019. The present applicants were arrested on the  
very same day and they were released on bail by the  
competent Court.

On 27.09.2019, Digambar died. Thereafter, the  
investigating officer added Section 302 of the IPC and the  
applicants were arrested on 29.09.2019 and since then they  
are in jail.

The investigation is over. Charge-sheet is already  
filed. similarly, the applicants submitted that the co-accused  
Akash, Amar and Prakash, whose names are mentioned in  
the statement of Digambar dated 25.09.2019 are released on

bail along with one Pravin, whose name was not mentioned in the report, by this Court in Criminal Application (BA) No.182/2020. He submitted that the role attributed to the present applicants and the role attributed to the co-accused who are released on bail is identical.

Statement of Digambar dated 25.09.2019 would reveal that he was assaulted by means of stick by the applicants along with other co-accused, who are released on bail by this Court. The learned A.P.P. would also submit that the role attributed to the present applicants is at par with the role attributed to the co-accused who are released on bail. Therefore, in my view, the applicants are also entitled to be released on bail on the principle of parity. In addition to the said aspect, the investigation is already over and the applicants are not having any past criminal record at their discredit.

In that view of the matter, I pass the following order.

### **ORDER**

- (i) The application is allowed.
- (ii) Applicant no.1-Manik s/o Dalpat Sautkar, applicant no.2-Prakash s/o Dalpat Sautkar, applicant no.3-Sunil s/o Dalpat Sautkar and applicant no.4-Pawan s/o Prakash Sautkar be released on bail in connection with Crime No.172/2019 registered with Police Station, Mana, Dist. Akola for an offence punishable under Sections 143, 147, 148, 149, 341, 427, 324 and 302 of the Indian Penal Code, on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.

(iii) The applicants are directed not to enter the territorial limits of Tahsil Murtizapur, District Akola, unless specifically permitted by the learned jurisdictional Court.

(iv) The applicants shall not make any attempt to influence the witnesses or to influence the course of the trial.

(v) The applicants shall give their phone numbers and details of residence, etc. to Police Station, Mana, within 72 hours of their release.

(vi) The applicants shall report at the Police Station within the territorial jurisdiction of which the applicants shall be residing, once in a month on the first Monday from 11.00 a.m. to 01.00 p.m.

The application is disposed of.

**JUDGE**

kahale