

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 697 of 2020)
[Vikram S/o Ramprasad Nagargade Vs. State of Maharashtra through P.S.O., Koradi, Nagpur]

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Niraj Nakashe, Advocate for the applicant
Shri P. S. Tembhare, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 27/07/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Nakashe for the applicant. He has submitted that the applicant is arrested only on the allegation that he was a member of unlawful assembly. Learned Advocate has submitted that accused no. 1 Sanju Pande killed deceased. The name of applicant is not mentioned in First Information Report (FIR). Learned Advocate has pointed out the order passed by this Court in Criminal Application (BA) No. 203/2020 dated 25-6-2020 and submitted that one of the accused is released on bail by this Court. The applicant is entitled for bail on the ground of parity.

3. The application is strongly opposed by Shri Tembhare, learned Additional Public Prosecutor for the State. He has submitted that the applicant was the member of unlawful assembly, therefore, he is equally

liable for the act of accused no. 1. The application is liable to be rejected.

4. Main accused is Sanju Pande who beat the deceased by tile on his head and, therefore, deceased died. In the FIR, name of the applicant is not mentioned. Even the FIR does not disclose any active act on the part of the applicant. Another accused, namely, Atish Francis is released on bail by this Court. On the ground of parity, the applicant is also entitled for bail. Hence, following order.

The applicant Vikram S/o Ramprasad Nagargade be released on bail in Crime No. 325/2019 registered with Police Station, Koradi, District Nagpur on execution of PR Bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount on following conditions.

(i) The applicant shall remain out of the limits of Koradi town during the course of the trial.

(ii) The applicant shall not tamper the evidence of prosecution witnesses or threaten them in any manner.

(iii) The applicant shall attend Police Station, Koradi, District Nagpur as and when called by the Investigating Agency.

5. The application is disposed of.

6. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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