

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

Criminal Application (BA) No.1210 of 2020

Anil S/o Pandurang Mandhare

Versus

State of Maharashtra, through P.S.O., P.S. Nagbhid, Dist. Nagpur.

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

Shri A.G. Hunge, Advocate for Applicant.

Shri H.D. Dubey, APP for Non-Applicant.

Coram : Pushpa V. Ganediwala, J.

Date : 22nd December, 2020

Heard Shri Hunge, learned counsel for the applicant,
and Shri Dubey, learned APP for the non-applicant – State.

2. The applicant is said to be arrested on 19-6-2020 in Crime No.128 of 2020 registered with Police Station Nagbhid, District Chandrapur for the offences punishable under Sections 302, 450, 143, 147, 148, 149, 323, 324, 504, 506, 186, 188 and 269 of the Indian Penal Code and Section 135 of the Bombay Police Act. The investigation in the matter is completed and the chargesheet is filed on 3-8-2020. There are ten accused arraigned in the chargesheet. The applicant is one of the accused. Some accused are already on bail.

3. The allegations against the present applicant and co-accused are that in order to eliminate Maqbool Pathan who is an antisocial element, the applicant and co-accused formed an unlawful assembly and on 6-5-2020 at about

10.00 O'clock in the night came with sticks in their hands and started beating Maqbool Pathan by means of sticks and ran away. Maqbool Pathan was taken to Rural Hospital, Nagbhid, where he was declared dead. The present applicant and the co-accused came to be arrested on 19-6-2020.

4. There is no specific role attributed for the alleged crime and the statements of witnesses only reflect presence of the applicant in the mob assaulting the deceased by fist and kick blows. The co-accused to whom graver role is attributed are already released on bail by this Court on the ground of parity. Thus, the present applicant is also entitled for bail on the ground of parity.

5. In the above view of the matter, this Court is inclined to grant bail to the applicant on the following conditions :

(i) The applicant – Anil S/o Pandurang Mandhare, shall be released on bail on his executing a personal bond of Rs.25,000/- (Rs. Twenty Five thousand only) with one surety in the like amount.

(ii) The applicant shall not enter the vicinity of the area where the witnesses reside.

(iii) The applicant shall not leave his local jurisdiction without prior intimation to the concerned police station.

(iv) The applicant shall not give threats to the witnesses or tamper with the evidence.

(v) The applicant shall attend the concerned police station once in a month, i.e. on every first Thursday of the month, between 12.00 noon and 2.00 p.m.

6. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant and the Trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

7. The criminal application stands disposed of.

JUDGE.