

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

CRIMINAL APPLICATION [BA] NO. 272/2021.

Sunil Prakash Pawar and others.

-VERSUS-

The State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri H.D. Kamble, Advocate for Applicants.
Shri M.J. Khan, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : JUNE 14, 2021.

Hearing was conducted through Video
Conferencing.

2. Applicants are seeking regular bail in connection with Crime No.263/2020 relating to offence punishable under Sections 302, 307, 3024, 147, 148, 149, 504, 506 read with Section 34 of the Indian Penal Code registered with Asegaon Police Station, District Washim. The bail is claimed on the ground of innocence, false implication and parity relating to co-accused Ramdas, who has been released by the Sessions Court vide its order dated 11.12.2020.

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3. The State has strongly resisted the bail by contending that applicants have committed murder of one Pundlik by means of deadly weapons, as well as have attempted to commit murder of three persons namely Samadhan, Kanthya and Ranjit, who are eye witnesses to the occurrence.

4. At the instance of a report lodged by Savita Pawar a crime came to be registered. It is the prosecution case that on 19.08.2020 at around 7.30 p.m. the incident took place in which applicant Sunil Pawar dealt blow on the head of the deceased by means of iron rod. At that time, applicants Parmeshwar and Nivas also arrived on the spot with sickle, and they dealt blows on the head and chest of the deceased. While the incident was going on, the family members of deceased namely Samadhan, Kanthya and Ranjit intervened, but, the applicants also dealt blows on their person by means of deadly weapons.

5. The incident was witnessed by several persons whose statements are recorded. The eye witnesses have categorically stated that all applicants were armed with dangerous weapons namely iron

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road, sickle etc. The cause of death is due to head injury as well as multiple rib fractures, which prima facie correspond to the story narrated by the witnesses. Though bail is claimed on the ground of parity relating to co-accused Ramdas, however, I am not in agreement with the reasoning recorded by the Sessions Court while releasing Ramdas on bail. It appears that there are specific allegations against the present applicants, therefore, I am not inclined to invoke the rule of parity by giving complete disregard to the factual position of the case.

6. The learned counsel for applicants would submit that the origin of the incident has been suppressed. According to him, one of the co-accused Ganga Pawar was molested by the witness of this case. There may be counter first information report relating to some other incident, but, on that count direct evidence cannot be discarded at the threshold. In sum and substance, the incident is gruesome where one Pundlik has been murdered, while three others, who intervened were assaulted by deadly weapons. The offence is of serious nature, there are injured eye witnesses, hence, applicants are not entitled to grant

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of bail.

7. In view of above, present Criminal Application is rejected.

JUDGE

Rgd.